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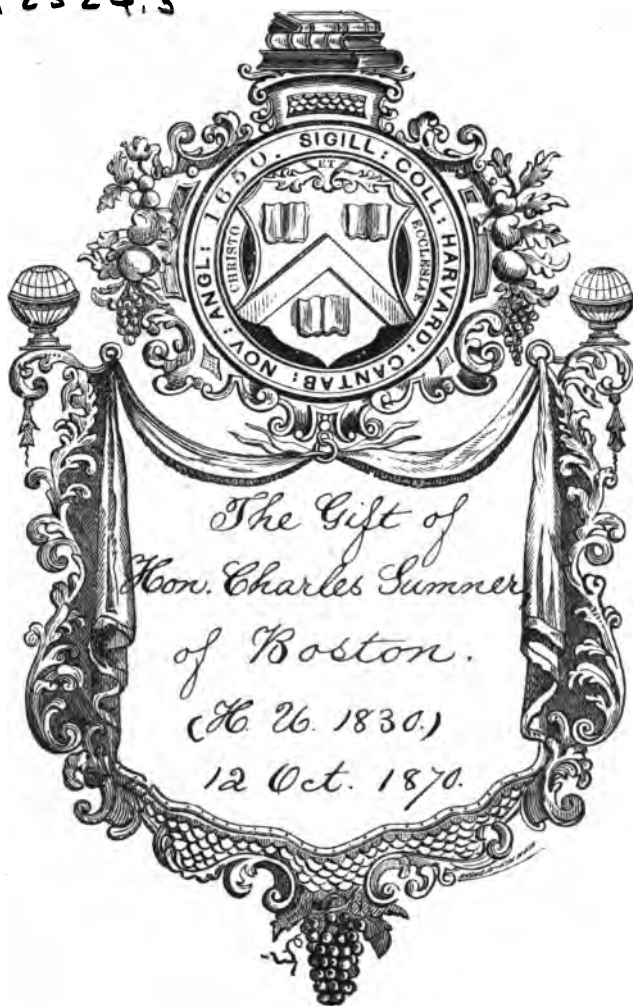
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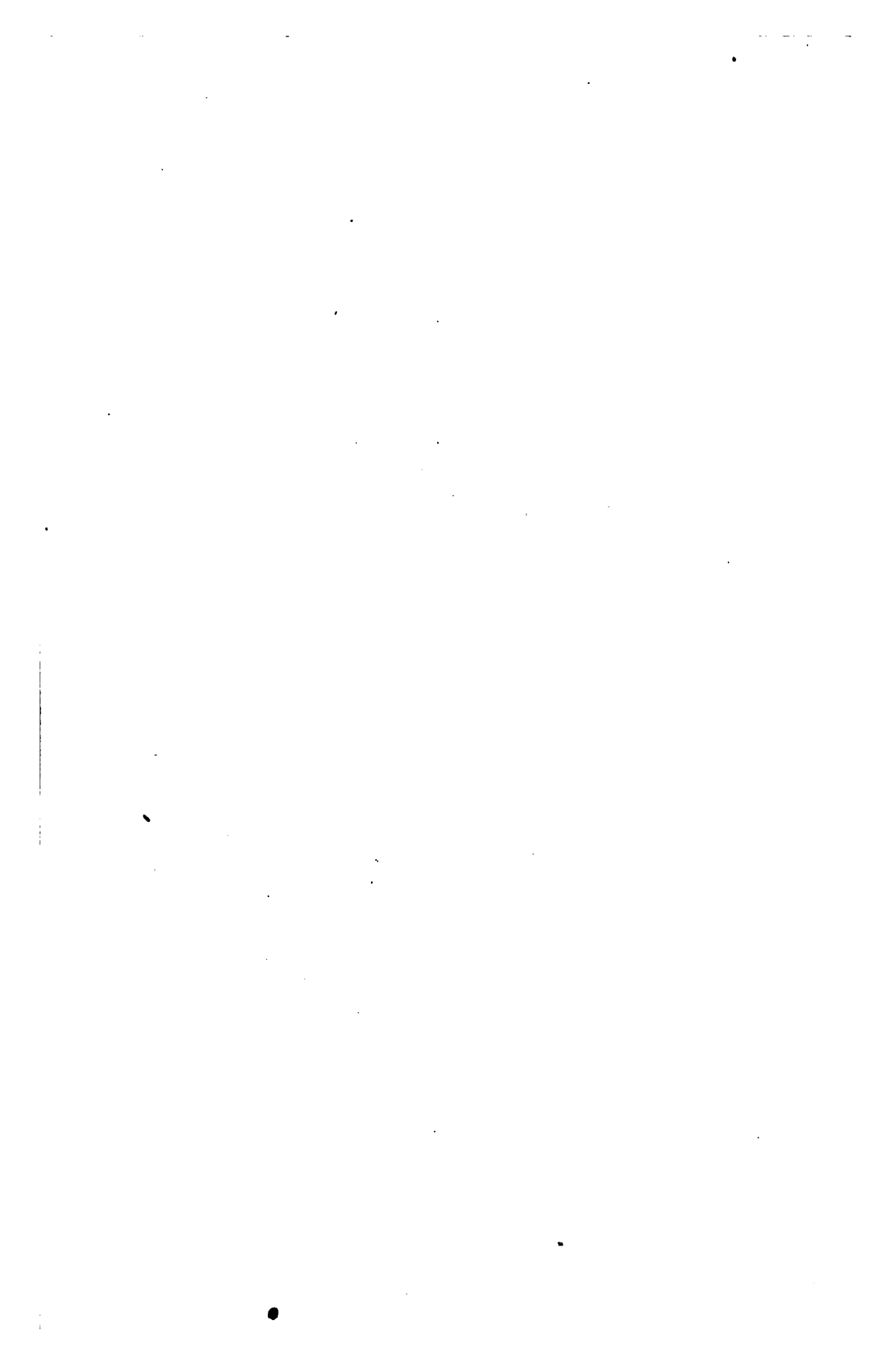
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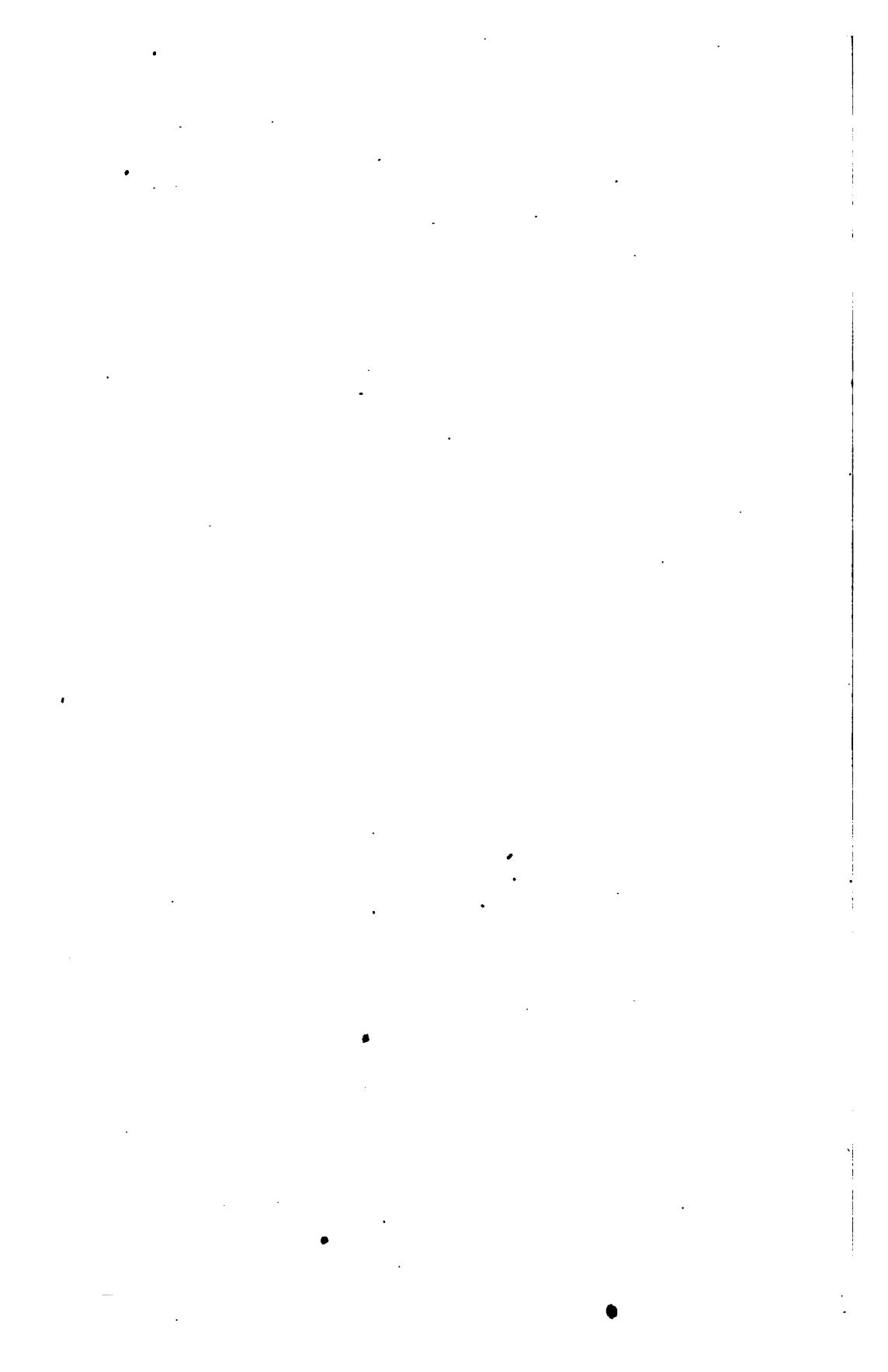
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© REPORT OF THE SELECT COMMITTEE

APPOINTED TO INVESTIGATE THE

MEMORIAL OF DAVIS HATCH.

JUNE 25, 1870.

By
Jacob Merritts Howard.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1869[1870]. .

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1870. Oct. 12

Gift of

Hon. Gen. Sumner
of Boston.
(H. L. 1830.)

IN THE SENATE OF THE UNITED STATES.

JUNE 25, 1870.—Ordered to be printed, and that 2,000 extra copies of the report and accompanying testimony be printed for the use of the Senate.

Mr. HOWARD, from the select committee appointed to investigate the memorial of Davis Hatch, submitted the following

REPORT:

On the 8th of June the Senate passed the following order:

Resolved, That the memorial of Davis Hatch and the accompanying papers be referred to a select committee of seven senators to investigate and report thereon, with power to examine witnesses and to send for persons and papers.

The petition of Mr. Hatch dated at the island of St. Thomas May 13, 1870, sets forth that he is a citizen of Connecticut; that in a paper attached to it and of the same date, he represents a grievance arising out of the cruel treatment to which he had been subjected by Baez, president of the Dominican Republic, designedly and with set purpose, by ordering a sentence of death to be passed upon him and permanently injuring his health, &c., for which he claims damages in the sum of fifty thousand dollars from that government, which sum he believes to be justly due him for what he has suffered in person, character, and influence in being deprived of his liberty six months and twenty days; and he asks the intervention of the government of the United States to aid him in obtaining that amount of damages for such his alleged wrongs. He also claims the further sum of \$8,547 12, for spoliation of his property by the army of Baez in that republic.

To this petition he attaches a detailed statement of the wrongs he alleges to have been committed upon him by the government and army of Baez. He says that in 1862 he became the agent of a New York association organized for the purpose of obtaining a concession of the salt mines of Neyba, in the province of Azua, in that republic; that he reached the city of San Domingo on the 10th of January, 1862, while the island was in the quiet possession of the government of Spain; that in February, 1864, the captain general handed him the grants for which he had asked; that an insurrection broke out and that on the 11th of July, 1865, the Spanish government abandoned the country; that after an interregnum of five months a government was organized under the presidency of Baez; that the latter on the 20th of December hearing that an insurrection had broken out against his government at Puerta Plata refused to reconfirm to Hatch the concessions he had obtained and changed his friendly course toward Mr. Hatch, and, as the latter believes, for the purpose of extorting from him a sum of money for such reconfirmation; that on the 3d of February, 1866, President Baez caused a decree to be passed annulling these grants, the original consideration of which was a royalty on the salt exported from the mines; that on the 29th of May, 1866, Baez was deposed and left the country on the 9th of June; that General José M. Cabral succeeded to the presi-

dency, and that Cabral's government gave him (Hatch) grants in said salt mines substantially the same as those issued by the Spanish government, with other privileges; that Mr. Hatch as such agent immediately took possession of said salt mines and established his residence at Barahona; that in November, 1867, an insurrection broke out against Cabral, and lasted until February, 1868, when Cabral capitulated; that the memorialist remained neutral, showing no preference for either party, and was respected and protected by both; that by reason of the disturbed state of the country the salt mines were not worked; that on the 6th of May, 1869, the military forces of Baez abandoned Barahona, twelve days after which it was taken possession of by an organized force of three hundred men of Cabral's party; that on the 14th of August following it was retaken by Baez's party, under General Garcia; that Garcia and his staff came to Hatch's house, and were there hospitably entertained; that Garcia soon left the house, and that, in his absence, fifty of his men plundered the house of its most valuable contents; that this outrage was repeated on the 17th of August, as a punishment for which Garcia caused one of his men to be shot; that on the 28th of August Garcia caused him (Hatch) to be removed and taken to the port of Azua, where he was arraigned before the military commander and required to give a statement respecting his intercourse with the party of Cabral while they occupied Barahona; that he was then removed to San Domingo City, and afterward retransferred to Azua; that on the 28th of September, thirty days after his arrest, he was presented with a so-called "act of accusation," which was the first he knew of what he was accused; that he was brought to trial before a court-martial on the 1st of October; that the court refused to allow him time to prepare his defense, to send for witnesses, or for important papers not then in his possession; that he had no counsel, but only a friendly citizen, to aid him in his defense; that on the trial he made no defense except to protest against the proceedings, and did not even question any of the witnesses called against him: that four of the witnesses were in irons when they gave their evidence; that this evidence was taken in his absence, and that before the trial one of these witnesses was executed for crime; that at two o'clock the next morning the court pronounced sentence of death against the memorialist; that the following night the governor of the province sent a messenger to President Baez, with a petition for his pardon; that on the 4th of October President Baez, without having seen the proceedings on the trial, commuted the sentence to banishment, "without any proviso or reservation," notwithstanding which the memorialist was held a prisoner until the 15th of March, 1870, when he was released upon the peremptory demand of the United States commercial agent (Mr. Perry) and Rear-Admiral Poor; that the memorialist embarked in a government vessel at Azua on the 15th of March, arrived at San Domingo on the 17th, and was immediately ordered to leave the country. He alleges that he was to have been banished at once, but that Baez's government kept him in confinement for six weeks, while waiting to have a copy of the proceedings on his trial made out to be sent to the United States; that he expected to embark and leave the country as early as the 17th of the previous November, and that he believes that his disappointment in this was in consequence of the arrival in San Domingo, on the 12th of November, of our new commercial agent, Mr. Perry; that he wrote four letters to Perry, asking him to interfere in his behalf, but received no letter nor message in answer.

The memorial and the narrative of Mr. Hatch have been printed for

the use of the Senate. The charges against him, contained in the record of the proceedings transmitted to the Secretary of State, and to be found in the printed testimony hereto attached, (p. 76,) are of a serious nature.

THE TRIAL OF MR. HATCH BY COURT-MARTIAL IN SAN DOMINGO.

He is accused of the crime of incitement, and the prosecuting officer, specifies in clear terms four grounds of accusation, as follows:

1st. That he had knowingly seconded the enterprises of the enemies of the republic and lent himself to protect, in his quality as a stranger, the operations of a thieving, warlike, sanguinary, and devastating faction. 2d. For having spontaneously, and of his own will, converted his own house into a lodgment known by the chief leaders of said faction, cultivating with them the most friendly relations. 3d. For having authorized said chiefs and rebels to transform his own house into a known arsenal, wherein were manufactured and sent from ammunitions of war, destined to hostile the legitimate government. 4th. For having most efficaciously aided the insurgents, providing them all the necessities, and negotiating their drafts, which he paid in order to give them means for their wants. In consequence thereof, said Davis Hatch is accused of having committed the crime of enticement, with no extenuating circumstances, said crime being provided for and qualified according to the fifty-ninth article of the military penal code, in its fourth incise, and by the eighty-sixth article of the common penal code in force.

We cannot assume to pronounce the proceedings against Mr. Hatch to be insufficient. It must be recognized as the right of every independent nation to adopt such forms of proceeding, both in criminal and civil matters, as its government may see fit, although such proceedings may not be in accordance with our own notions. The independence of nations requires this recognition of their right to manage their own internal affairs in the manner agreeable to themselves. And it cannot be denied, that where a foreigner takes up his domicile in a country he is subject to its laws, and cannot deny its authority to arraign and punish him for offenses against the laws. It is true, that should such government refuse justice to the foreigner, or discriminate against him in such manner as to subject him expressly and designedly to wrong and injury, the government to which he belongs would have a right to complain and to demand reparation. But in the case of Mr. Hatch we have not been able to see, in the voluminous testimony taken by the committee, any evidence of a departure from the legal forms prescribed by the laws of the republic. Indeed, he does not, in his papers, allege any irregularity or departure from the forms prescribed by law for his trial, nor has any such been pointed out to the committee. He was charged with entertaining Cabral and his party of revolutionists, giving them aid and comfort, at a time when Baez was firmly seated in power, and his government beyond a doubt the *de facto* government of the republic, and doing this at a time when the town of Barahona, occupied by Cabral, had been declared in a state of siege by Baez. He is also charged with "offering his house as a lodgment, and a store and arsenal to the enemies of the constituted government." It should not be overlooked that in his own narrative Mr. Hatch states that on the 3d of September he was ordered before the military commander at Azua, to give his own "declaration of his intercourse with the party of General Cabral while they occupied Barahona, which he gave frankly, as appears on the record of his trial herewith presented." From the record he refers to (Testimony, p. 67,) it appears that he traded with and entertained Cabral's party while they were in possession of Barahona; the following extract will show to what extent—it is his own statement:

Asked: There is a witness who declares that when the commander of arms, or the

rebel administrator, desired to make a payment, the order was delivered to an individual, and it was paid by you; what can you answer to this?—Answered: That what has been asked him is false; that he had never honored such orders, nor received any kind of drafts from the faction; and that the truth is, that sometimes individuals with whom he carried on the mahogany business would present themselves with a promissory note, which they had received from the insurgents, and as a matter purely commercial, and in order to favor his customers in mahogany, he did accept said notes at a discount.

Asked: In what sense did the chiefs of the insurgents issue their notes?—Answered: That said notes expressed the object taken from the individual, as well as the sum of its value and its inversion among the troops.

Asked: Did you recognize as legitimate the government of the authorities that issued said notes?—Answered: That he had accepted those chiefs not as government but as authorities, and that under this consideration he had no difficulty in trading, particularly with his mahogany customers; that as he had seen six revolutions and equal changes of government in four years, more or less, and the present one being for more than three months, occupying in quiet possession a great extent of territory as that from Petit Frou to San Juan, receiving constantly means from abroad as well as via San Juan, and not receiving any news from or about the government, he believed it to be a settled question, and for that reason considered those chiefs as authorities, as he had before stated.

Asked: What kind of money did the notes you negotiated express?—Answered: That they were issued for hard money.

Asked: Against which treasury were they drawn?—Answered: Against none; that they were simple promissory notes.

Asked: As a stranger, and observing such conduct, did you not consider you would compromise yourself with the government?—Answered: That as he had acted in a similar manner during the revolution that brought about the fall of Cabral, he never thought he could incur in any trouble whatever in the present one, when his posterior negotiations with Generals Thomas Sepúlveda, *alias* Lane, and Antonio Cuello, *alias* Blas, were accepted by General Valentine Ramirez Baez himself.

In this manner the proceedings were suspended, in order to be continued afterward, if necessary, and after his declaration was read to him he expressed himself satisfied, and would sign it, notwithstanding the absence of his consul, it being a necessary requisite to declare a settlement, according to the treaty existing between the Dominican government and the American nation, to which he belongs, reserving the rights that said treaty might concede him.

It is clear from his own statements that he had been trafficking with the enemy at Barahona. Subsequently, on the 16th of September, after his removal to the city of San Domingo, he was again questioned before a military officer at his own request, and in the presence of the American commercial agent, as the same record (p. 69) shows; and on this occasion he admitted that he had invited Cabral's partisans to his own house in Barahona. This invitation was surely anything but evidence of his neutrality. But we will let him speak for himself. The record (p. 69) contains the following:

Asked: What motives compelled you to manifest an open partiality in favor of a faction that wars against the principles of the only legitimate government in this republic, and which is recognized by your government and other powers?—Answered: That he had ever been neutral with the different governments without politically taking part in any, but as in Barahona there was no safer and larger house than his own, it was the reason why Generals Fryol, Curiel, and Valverde selected it, *through his invitation*, at the arrival of the steamer Telegrafo at Barahona, and that General Cabral, when he visited the town, used to stop there also.

Mr. Hatch, in his petition, complains that he was not allowed time to prepare his defense, &c. The proceedings seem to have been rapid, but not more so than many military trials that might be cited. Dispatch, and often precipitation, characterize such trials. It pertains to their nature, and under the circumstances of the country at that time the rapidity of the proceedings ought not to surprise us. Their peremptory character, however, would seem to find some palliation in the fact that when, on the 27th of September, he was waited upon in his cell by two officials and notified to select some one to defend him, he somewhat

curtly replied that he "would think about it." The following is the dialogue between him and those officials, as stated in the record:

Asked: His name and surname, age, profession, and military rank, number of his company, battalion, and regiment.—Answered: That he was named Davis Hatch, of fifty-six years of age, married, a merchant by trade, an agent of a society in the United States, the place of his birth, and actually in the public prison of this city.

In consequence thereof, the prosecuting attorney declared to the prisoner that he was to be tried by the council of war, advising him, at the same time, to select any one to defend him.—Answered: That he would think about it.

This being brought to a close on the same date, hour and month, and year aforesaid, it was also read to the prisoner, and signed with us, the prosecuting attorney and secretary, who certifies:

DAVIS HATCH.
 EVARISTO AYBAR.
 RAFAEL GARRIDO SOSA,
Secretary.

It is not difficult to conceive that such an abrupt reply to officials, whose duty it was to notify him of his approaching trial, in order that he might prepare for it, would have created in their minds a prejudice against him. It was indeed in the nature of a defiance. Instead of telling them he was not ready for his trial, that he wished to summon witnesses, and to send to the city for important papers necessary to his defense, (as he says in his petition was the case,) he tells the officers he "will think about it." He certainly did not then make known to them his want of preparation, and it may perhaps be correctly said that they left him under the impression that he was then as ready for his trial as he wished to be.

On the trial, as admitted by Mr. Hatch, he "did not question any of the witnesses introduced against him, nor make any defense except the reading of the paper," drawn up by his friend and adviser, Mr. Miranda. From this it appears the witnesses were actually brought into court, and he had an opportunity to question them. Why was this important privilege waived by him? He must either have supposed that no real danger impended over him, and that if convicted he would be pardoned, as Minister Delmonte had already promised Mr. Smith, our commercial agent, (see Smith's testimony, page 153,) or that the United States government would interfere and prevent any injury being done him. At any rate it seems certain that he anticipated no personal danger from the trial. He complains that four of the witnesses against him were in prison in irons when they gave their evidence, one of whom, he says, was sentenced to death before the trial. But we do not see how the fact of their being in prison and in irons should have influenced them to testify falsely; and the fact that they were thus examined in secret, and in his absence, is a very strong reason why he should have cross-examined them in court in reference to the depositions which they had thus given.

The summing up of Mr. Aybar, the government counsel in the case, seems to be omitted in the record. The address of Mr. Miranda, acting for Mr. Hatch, was elaborate and extended. Mr. Hatch was found guilty by the unanimous vote of the eight judges. The sentence of the same judges, as shown by the record, (p. 83,) formally reciting the accusation and the laws of the republic under which it is brought, was then pronounced upon him. It is as follows:

For all these reasons the council war, in the name of the Dominican Republic, and in strict compliance with the above-mentioned articles, condemn the said Davis Hatch, of fifty-six years of age, married, a native of the United States of North America, merchant, and a resident of Barahona, to suffer the pain of death. (See p. 84.)

This was early in the morning of the 2d of October. That he was in no apprehension of danger is sufficiently apparent from his own state-

ment. He says he "did not apprehend anything more was contemplated by the prosecution than to find some pretext to send him out of the country until the evening before the trial, when three persons of respectability, in the confidence of the government, told him he would be sentenced to death, but to have no fear, for they could assure him that he would be immediately pardoned; and one of the three * * said he had seen a letter from the President to the governor to that effect." Again he says that "on the night following the trial (that is, the night of the 2d) a messenger was dispatched to the capital by the governor with a petition to the President for pardon. The messenger arrived in the capital on the 4th day of October, and the sentence was *commuted to banishment on the same day, the 4th, without even seeing the proceedings on the trial, and without any proviso or reservation.*"

In order to show something of the evidence against Mr. Hatch, we cite the substance of the depositions of four witnesses, to wit: Elias Ramirez, Francisco Ferrera, Santiago Talavera, and Guillermo De la Paz.

Talavera swears as follows:

Asked: What information can you give us of the conduct observed by Mr. Davis Hatch during the permanence of the faction in the town of Barahona?—Answered: That all he can say respecting the question made him is, that all the resources brought to the faction from abroad were deposited in Mr. Hatch's house, and that, moreover, he had seen several times that, from the ammunitions of war which were deposited in another house by the faction, powder and lead were taken to Mr. Hatch's, and there manufactured into cartridges. He moreover stated that when the commandant of arms and the administrator had to make a payment, they drew a bill in favor of the creditor, which was paid by the aforesaid Hatch, and that is all he knows and can declare on the oath he had given. And after having read him his declaration, he said he was satisfied, and signed with us, the commandant of arms and the secretary, who certifies.

SANTIAGO TALAVERA.

JOSE MARIA RODRIGUEZ.

GALO MONZON, *Secretary.*

Ferrera testifies as follows:

Asked: His name and surname, age, civil standing, profession, and place of residence, the number of the battalion, company, and regiment, and if he were in any way a relative to Mr. Davis Hatch.—Answered: That his name was Francisco Ferrera; of sixteen years of age; a single man; a farmer by trade; domiciliated in Barahona, and a resident of a place called Juan Estevan; that he belonged to no corps, nor was he in any way related to the aforesaid Hatch.

Asked: What knowledge have you of the conduct observed by Mr. Davis Hatch during the permanence of the faction in the town of Barahona?—Answered: That while the rebels occupied Barahona, he observed that the goods and flour brought them from abroad were deposited in the house of Mr. Davis Hatch, and from where clothing was taken out to be divided among the troops, as was also flour, in order to make bread, he not knowing the cause of such proceedings.

Asked: Do you know whether Mr. Davis Hatch's home served also as a deposit of arms or ammunitions of war to the insurgents?—Answered: That the armament was kept in a different house; and that from there quantities of powder and lead were taken to the house of Mr. Davis Hatch, where they were manufactured into cartridges. That was all he knew and could say on the oath he had taken.

And after having read him his declaration, he said he was satisfied, not signing it, for not knowing how to write, we doing it in his stead, the commandant of arms and the secretary, who certifies.

JOSE MARIA RODRIGUEZ.

GALO MONZON, *Secretary.*

Ramirez testifies as follows:

Asked: His name and surname, age, civil standing, profession, domicile, military degree, number of battalion, company, and regiment, and if he was in any way according to law related to Mr. Davis Hatch?—Answered: That he is named Elias Ramirez, of thirty-eight years of age, a single man, a breeder of cattle by trade, domiciliated in the town of Barahona; that he is not a military man, and that he is in no way connected with the gentleman alluded to in the question just made him.

Asked: What knowledge have you of the conduct observed by Mr. Davis Hatch

during the permanence of the insurgents in the town of Barahona?—Answered: That all he knows is that Mr. Hatch's house was the place where General Cabral made it a custom to lodge at, and that he knows, moreover, that from there the insurgent troops were provided with goods.

Asked: Do you know which was the deposit of arms and ammunitions of war of the insurgents?—Answered: That one day when he was conveyed a prisoner to a place called Rincon, saw a convoy with ammunitions of war leaving the house of Agustin Cambier, with direction to the same place where he was taken as a prisoner, and that after he arrived there he heard say that cartridges were manufactured at the house of Mr. Davis Hatch. That that was all he knew and could say on the oath he had given.

And after this declaration was read him, he expressed his satisfaction, signing with us the commander of arms and the secretary, who certifies.

ELIAS RAMIREZ.

JOSE MARIA RODRIGUEZ.

GALO MONZON, *Secretary*.

De la Paz swears as follows:

Answered: That his name was Guillermo de la Paz; nineteen years of age; a single man; and by trade a farmer; domiciled in Barahona, and a resident in the place called Caballero; soldier of the Cachon company.

Asked: What do you know of the conduct observed by Mr. Davis Hatch during the permanence of the rebels in Barahona?—Answered: That all he knows respecting the question made him is, that all the goods brought from abroad for the insurgents, such as flour, rice, hats, and dry goods, were all deposited in the house of Mr. Davis Hatch, and from there taken as they were needed.

Asked: Where did the insurgents deposit their arms and ammunitions of war?—Answered: That the muskets and lead were kept in the house of Mr. Augustin Cambier, and that the powder, brought in barrels, was at the house of Mr. Davis Hatch, after having been brought from the place where were to be found the muskets and lead, which operation was done in order to manufacture cartridges, as it was customary to see the ammunition already prepared taken from the house of the above-mentioned Hatch. That all he had declared was nothing but the truth in accordance with the oath taken.

And after this declaration was read to him he stated that he was satisfied, and as he could not sign it, for being unable to write, we did so for him, the commandant of arms and the secretary, who certifies.

JOSE MARIA RODRIGUEZ.

GALO MONZON, *Secretary*.

A fifth witness by the name of Sinforoso Batista was examined and testifies as follows:

Asked: His name and surname, age, civil standing, profession and domicile, and if he was in any way connected by law with Mr. Davis Hatch?—Answered: His name was Sinforoso Batista; thirty-four years of age; a single man; a merchant by trade; domiciled in Barahona; and that he was in no way connected with Mr. Davis Hatch.

Asked: What do you know respecting the conduct observed by Mr. Davis Hatch during the stay of the rebels in the town of Barahona?—Answered: That when the rebels arrived at said place, several rebel chiefs lodged themselves in the house of Mr. Hatch, and that when they received ammunitions of war, such as goods and provisions, these were deposited in the said house, though the powder and lead were deposited in another house and from there brought to that of Mr. Davis Hatch, in order that they might be manufactured into cartridges. That that was all he knew and could say on the oath he had taken.

And after this declaration was read him, he expressed himself satisfied, signing with us, the general commander of arms and secretary, who certifies.

SINFOROSO BATISTA.

JOSE MARIA RODRIGUEZ.

GALO MONZON, *Secretary*.

A sixth witness, named William Home, was examined on the 29th of December, 1868, respecting the conduct of Hatch several months before his arrest. He testified as follows:

Asked: If he knew or presumed the motives of your arrest?—Answered: No; that he can only state a few of the answers given by him in the declaration taken at Azua.

Asked: Explain to us the reason why you were questioned at Azua on the 3d of the present month.—Answered: That he could state nothing more than what he had already said in his former declaration.

Asked: What motives compelled you to manifest an open partiality in favor of a fac-

tion that was against the principles of the only legitimate government in this republic, and which is recognized by your government and other powers?—Answered: That he had ever been neutral with the different governments, without politically taking part in any, but as in Barahona there was no safer and larger house than his own, it was the reason why Generals Pryol, Curiel, and Valverde selected it, through his invitation, at the arrival of the steamer Telegrafo at Barahona, and that General Cabral, when he visited the town, used to stop there also.

Asked. How can you say that you are impartial, when you see by your declarations that you shielded with your name and with the immunity of a stranger, the property of the faction, converting at the same time, your house into an arsenal, where cartridges were manufactured in order to hostile the legitimately constituted government, and making it at the same time the headquarters of the rebel chiefs?—Answered. That in reality cartridges were manufactured in a shed situated in the yard of his house, though without his consent.

Asked. Whether the rebel chiefs ever drew on him for the merchandise and provisions found in his house?—Answered. No; that the administrator in the town, who they had appointed, was the one who received the promissory notes and used to take the goods from his house.

Asked. Is your permanence in Barahona due to an accident, or was it the effect of the insistence on your part in obtaining it from our government through the respectable mediation of your consul?—Answer. No; that was only his pending business in that town, and his responsibility with a company compelled him to be there in order to work the salt mines.

Asked. Whether the notes he negotiated were in hard money and against which treasury they were drawn?—Answered. That they were drawn against no treasury whatever; that they were bought by him for half their value more or less, and paid in merchandise, and that he received said notes with the hope of their being some day guaranteed to him, as happened in the case with General Tomás Sepúlveda, alias Lane.

Asked: Whether General Tomás Sepúlveda, or any other officer of the regenerating revolution of the year 1867, ever drew on him, or asked merchandise in order to sustain themselves?—Answered: Never; that whenever he gave them anything it was without notes.

Asked: If he had more to state?—Answered: No; that what he had already stated to-day and in his former declaration was all he could say. Thus ended these proceedings.

Asked: Have you anything further to declare respecting the subject on which you are interrogated?—Answered: Nothing further.

And, as we requested him to sign with us this declaration, he answered that he ignored the art of writing. Signed:

THE GOVERNOR.

It is a true copy according to the original, and which I certify.

The Secretary,

M. M. GAUTIER.

To this direct and concurrent testimony of the five witnesses to the fact of his complicity with Cabral's party, it is vain to oppose the unsworn denial of Mr. Hatch: Had their statements been false in any material respect, it seems incredible that Mr. Hatch should, while on trial for his life, have remained completely silent—not even putting a question to any of the witnesses. And it is unreasonable, in the absence of counter-proofs and of all cross-examination, to insist that the court ought to have disregarded the testimony of the witnesses. The record discloses no promise of pardon or other advantage to be derived by them for giving their testimony, nor does Mr. Hatch allege that they were suborned, or even in any way influenced, by rewards or promise of favor. It was for the court to consider and weigh the testimony before them; and although the mode of taking and presenting it was different from that observed in our own and in English courts-martial, yet it was in accordance with the laws of the country where Mr. Hatch had seen fit to take up his residence, and to which, by the laws of nations, he was subject.

Nor ought we to overlook the probabilities of the case while considering the question of his complicity with the Cabral party. He states himself that after Baez had, in 1866, sought to extort from him a sum of money for the ratification of his grants by threatening to annul them,

and "he finally caused a decree to be passed (by the senate) on the 3d day of February, 1866, annulling said grants," against which act Mr. Hatch says he protested. On the succession of Cabral to the presidency in June of that year, as Mr. Hatch tells us, "his government, being aware of the great injustice which had been done him (Hatch) by the government of Baez, gave him grants in the said salt mines substantially the same as those issued by the Spanish government, *with other privileges*, and he proceeded immediately to said salt mines with a competent mining engineer, made a careful examination of the mines, and surveyed the route for a contemplated railroad from the mines to the port of Barahona, and in order to protect the interests of the association while waiting the organization of a company to work the mines, took up his residence in the town of Barahona, and to become familiar with the country and the people, and at their earnest request, engaged in mercantile business."

It thus appears that Cabral had granted him not only the same salt mines, but also other privileges which he does not see fit to specify, but which were, doubtless, of value to him; and that Cabral did this without any pecuniary compensation, but to remedy the "great injustice" done Hatch by Baez. It is perfectly natural that these voluntary favors from Cabral should have made Hatch the firm friend of Cabral and his party; and it is no stretch of the probabilities of the case to take it for granted that Hatch greatly preferred Cabral and his party to Baez and his party, and that he should have given the former not only his confidence, but aid and comfort, while in the occupation of Barahona. We do not say that these grants from Cabral to him were in evidence before the court; all we mean to say is that they naturally tended to make Mr. Hatch a friend of Cabral and an enemy to Baez, and predisposed him to commit the very offenses with which he was charged. We cannot, therefore, by any means pronounce the trial and the finding of the court unjustified by the facts and circumstances of the case, but are compelled to conclude, much to our regret, that, by his own imprudence, Mr. Hatch had been induced to depart from the line of strict neutrality, which his duty, as a citizen of the United States, required him to pursue. And in the presence of such facts as are before us, we cannot assume to censure his accusation and trial as a wanton and unprovoked act of injustice, which is the character he gives them, especially as he does not in his memorial anywhere allege that the witnesses swore falsely against him. It is true, he states that he was not allowed time to summon witnesses in his own behalf, but it nowhere appears that he stated on oath or otherwise who or where his witnesses were, or what were the facts and circumstances to which they could depose. If he had felt sure of being able to produce any exculpatory witnesses, it seems exceedingly strange that he should not have informed the court through his friend Miranda who and where they were, and what they could swear to. In such an exigency, in which his life was threatened, the first impulse of an innocent man would have been to tell his judges not that the witnesses against him were examined while "in irons," but what were the proofs of his own innocence. And yet Mr. Hatch at this perilous moment was silent as to any such witnesses. His friend and adviser, Miranda, only notified the court that Mr. Hatch had "some documents, to be found in his trunk in the capital, which were necessary for him," without, however, informing the court of the nature and character of these documents. (Printed testimony, p. 78.)

MR. HATCH'S DETENTION.

We come now to consider Mr. Hatch's complaint that, after he was sentenced to death, and after this sentence was, as he says, commuted to banishment from the country, he was detained by the government of San Domingo. This detention is imputed in part to the government of the Dominican Republic, and in part to the interference of agents of the United States, on the island, connected with the negotiation of the treaty of annexation now before the Senate; and we are obliged to consider this question in a two-fold aspect, as affecting both that government and those agents.

It is much to be regretted that no copy of this pardon or commutation is attainable at Washington City. Mr. Smith, the United States commercial agent at San Domingo, during all Mr. Hatch's difficulties there, was in the city of San Domingo at the time of Mr. Hatch's trial, conviction, and sentence. He testified before the committee that very soon after the sentence he saw the pardon or commutation as published in the official gazette, but it does not appear that he sent a copy home to his government. Mr. Perry, his successor, who relieved Mr. Smith on the 16th of November, 1869, seems to have been equally neglectful in transmitting a copy to the State Department. The committee called upon the Secretary of State to cause search to be made for it, but received for answer that no such document was to be found in the department. The following is the reply:

DEPARTMENT OF STATE,
Washington, June 18, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, in which you request me to transmit to you a copy of the "pardon of Davis Hatch," and to inform you, in reply, that no such document has been received at this department.

I have the honor to be, sir, your obedient servant,

J. C. B. DAVIS,
Acting Secretary.

Hon. J. M. HOWARD,
U. S. Senate.

So that we are left somewhat in the dark as to its actual contents. Mr. Hatch in his narrative says:

The night following a messenger was dispatched to the capital by the governor with a petition to the President for pardon. The messenger arrived in the capital on the 4th day of October, and the sentence was commuted to banishment on the same day, the 4th, without even seeing the proceedings on the trial, and without any proviso or reservation. Notwithstanding which, the undersigned (Hatch) was still held a prisoner until the 15th day of March, 1870.

Mr. Smith (printed testimony, page 154) states that it was "entirely an unconditional pardon, any further than that *he was to receive his passports and leave the country.*" He asserts that he saw the pardon "in the official bulletin," and that "he understood he was pardoned, would receive his passports and leave the country, because Delmonte, the minister of justice," informed him he was at "liberty at Azua, I suppose, as free as you are walking about there now. I inferred from what Delmonte said that it was an unconditional pardon."

But this is not very satisfactory proof of the contents of the instrument. The original or an authenticated copy would be far more so; for the gravamen of the charge against the Dominican government is that they violated the terms of the pardon granted to Mr. Hatch. It is a serious charge and ought to be sustained if true by the most indubitable evidence.

In the absence of the document itself we cite the letter of the Dominican minister of foreign affairs of the 19th of February last, to show

its contents and also the motives which influenced the Dominican government to detain Mr. Hatch.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
San Domingo, February 19, 1870.

Mr. CONSUL: In virtue of the evidence produced, pending the trial of Mr. Davis Hatch, he was condemned to death, when President Baez appealed to the honorable body of senators, asking them, by means of a special message, for their co-operation to save the life of that individual, and for no other motive than that of his being a citizen of North America.

According to our institution the *grace of life*, which is accorded to one condemned to death, does not prevent, by any means, his being consigned to perpetual imprisonment; but the president directs that his passports may be given him as soon as circumstances will permit, so that he may enjoy full liberty in any place wherein his acts will be inoffensive to us.

The repeated and urgent solicitations which you have made in favor of the said Hatch, united with the desire which my government has to please that of Washington, would have persuaded us to concede his passports at once, had it not been for the irreconcilable enmity with which he attacks the government in all of its acts through the newspapers and their agents, inventing calumnies to divert the public mind against annexation to the United States, which desire has been manifested so loudly and publicly by the people.

I desire that you will be good enough to assure his excellency, the Secretary of State, in Washington, that the prolonged sojourn of Mr. Hatch here has been only to prevent his hostile action in New York, assuring him, at the same time, that if this reason will not satisfy him, and that should he insist on his (Hatch) being permitted to go, the government, which has had no other aim than that of preventing falsehood and the misleading of public opinion in the United States, will be very glad to satisfy his wishes.

I avail myself of this occasion to reiterate to you the sentiments of my most distinguished consideration.

M. M. GAUTIER,
Minister of Foreign Affairs.

Mr. Hatch had been condemned to death. He is said to have been *pardoned*. If pardoned absolutely and unconditionally, he ought to have been set at liberty at once and absolutely, and his further detention would have been a personal wrong to him. If conditionally, he was not entitled to his liberty until the condition was fulfilled. If the pardon contained a direction that he should leave the country when his passports should be delivered to him, then he was restrained until that event should happen, and was not entitled to his liberty until that time. The statement of Mr. Smith imports that Mr Hatch "was to receive his passports and leave the country." (See pp. 153-154.) This would seem to imply a present duty to issue the passports so that he might leave the country. But this is not consistent with Minister Gautier's statement of the rights of a condemned person in San Domingo. He says explicitly that the "*grace of life*" to a person condemned to death, that is, the sparing his life instead of taking it away, "does not by any means prevent his being consigned to perpetual imprisonment;" that is, as we suppose, in English phrase, the sentence of death may be *commuted* to imprisonment. But, he says, "the President directs that his passports may be given him as soon as circumstances will permit, so that he may enjoy full liberty in any place where his acts will be inoffensive to us." If Minister Gautier's statement of the law of the republic be correct, then Mr. Hatch had no *right* to his passports until the government saw fit to grant them, and had therefore no just ground of complaint if they were not immediately granted. We see no reason to dispute the correctness of Mr. Gautier's exposition of the Dominican law, nor his competency to declare it. It seems further, from this dispatch to Mr. Perry, that the Dominican government had omitted to yield to the solicitations of our own agents in San Domingo for the lib-

eration of Hatch on account of the violent hostility evinced by that person toward the Dominican government through newspaper articles published in the United States containing calumnious reports intended to prevent annexation to the United States. The evidence in the case shows that Mr. Hatch was a correspondent of newspapers printed in New York City; that his articles were of a vituperative character against Baez, and calculated to irritate him. Mr. Smith's testimony seems conclusive upon this point. He was undoubtedly an enemy of Baez, and had in his correspondence expressed his dislike and distrust. This cannot be denied; the whole case shows it. (Pp. 151, 125, 126, 127.)

We have shown enough already to establish Mr. Hatch's bitter hostility to the government of Baez. He entertained an old grudge against him and his party, and to gratify it he seemed to be willing to resort to almost any means to prevent the success of the plan of annexation. Living as we do, in a country where the freedom of the press is a fundamental principle of the government, it perhaps seems to us a novelty, and bears somewhat the complexion of a wrong to detain a man in confinement for fear of the influence of his tongue or pen; but this great salutary principle has not been in use in any but governments of English origin. Other nations have ever restrained the freedom of the press, especially where it has appeared to conflict with the interests or policy of the government. Mr. Hatch, we say again, had voluntarily fixed his abode in the republic, and subjected himself to its laws. He could not, therefore, complain of wrong done him if he found himself detained according to those laws for intermeddling to prevent the consummation of a great national measure, which not only that republic, but the United States, his own government, was seeking to bring about. We cannot, of course, approve the principle of restraining him of his liberty on account of his publications or intended publications; but we are compelled to admit, that if such a power of detention is warrantable in any case it was justly applied to Mr. Hatch. His pen was used and intended to be used to defame the character of the government where he resided, its officers and agents, and to thwart and defeat a measure of the government of the United States, to which he owed allegiance; and we do not, therefore, think the government of the republic chargeable with wrong-doing, in our sense of the term, in preventing him from gratifying his private pique, and operating against a great measure favored by the Executive of the United States.

We cannot look upon it as very creditable in an American citizen in a foreign land to undertake to obstruct the action of his own, or of the government where he resides. But, if Mr. Perry is to be believed, Mr. Hatch's opposition sprang from the low motive of revenge toward President Baez and Messrs. Fabens and Cazneau. He swears as follows:

Q. You say that you understood that he was opposed to Baez?—A. Yes; but he is opposed to Baez only since Baez has imprisoned him and persecuted him the way he has. He is now bitterly opposed to him. He told me in San Domingo City, after he was released, that he was not opposed to annexation, and was strongly in favor of it, inasmuch as his interests lay entirely in that way; but he had been so persecuted by these parties that it had made him bitter against them, *and for revenge he would take these steps.*

By the CHAIRMAN:

Q. What parties?—A. Baez and his party, and Cazneau and Fabens, and their friends.

By Mr. WILLIAMS:

Q. You understood, then, that Fabens and Cazneau and Baez were on one side, and Hatch on the other; that they had quarreled?—A. Yes.

Q. They represented to you that he was opposed to annexation, and would interfere to prevent annexation?—A. Yes, sir.

Q. And therefore they thought it not advisable to have him released?—A. Yes, sir.

Q. He represented to you that he was in favor of annexation, but said he *would oppose them for revenge*?—A. Yes; on account of the manner in which he had been treated. (P. 22.)

We need not comment upon the little credit a man is entitled to whose actions and declarations are prompted by mere revenge. And yet Mr. Hatch is so characterized by Mr. Perry, who has, since his return home especially, espoused his cause, and quotes him as authority for his own assaults upon the treaty, upon Fabens and Cazneau. He intimates in his memorial that he was detained in confinement by the interference of Mr. Perry, our commercial agent, against him, and says he wrote Mr. Perry, after his arrival in San Domingo, four letters, requesting him to renew the demand that had been made by Mr. Smith for his liberation, but that he received from Mr. Perry no letter nor any message in reply, and did not know that the latter had done anything to obtain his release until the day before he was released. On the other hand, Mr. Perry, in his testimony, (pp. 20 and 21,) swears positively that he did not interfere, directly or indirectly, to have Hatch detained longer, but that, although he did not reply to Hatch's letters, he sent him two or three messages that he would do all in his power to obtain his release, which messages, he says, Hatch afterward admitted were received. Hatch is thus flatly contradicted by Perry, but we have no reason whatever to suppose that Hatch's charge against Perry is founded in truth.

MR. PERRY'S ACCUSATIONS AGAINST GENERAL BABCOCK AND MESSRS. FABENS AND CAZNEAU.

But the case now assumes another aspect. From some motive, which may be easily imagined, but which is not distinctly disclosed by Mr. Perry, he seeks to fix upon General Babcock, who went to San Domingo under instructions to negotiate the treaty, upon Mr. Fabens and Mr. Cazneau, American citizens, residing in their private capacity at San Domingo, the fault of interfering and advising Mr. Perry to abstain from all efforts to procure the release of Mr. Hatch; and this alleged interference by those three gentlemen is now the subject of serious complaint in the Senate, in reference not only to Mr. Hatch's alleged grievances, but in reference to the means and instruments by which the pending treaty was procured. The substance of the complaint appears to be this: That Hatch was kept in confinement by the procurement of Babcock, Fabens, and Cazneau, for fear he might come home and publish such information as might defeat the treaty. And it is to this charge that we now give our attention.

While the resolution under which this committee is acting was pending before the Senate, and on the 7th of June, Mr. Perry writes a long dispatch to the Secretary of State, in which he says:

I sailed on the steamer Tybee on the 3d day of November, 1869, for San Domingo, and met on the voyage Mr. Fabens, who was full of his accounts of the rascality of a Mr. Hatch, and expressed a wish I should not release him on my arrival at San Domingo, as he was an enemy to Baez and annexation, and also to himself and Cazneau; and that he (Fabens) and his friend Cazneau, as he represented, a man of great wealth and influence in San Domingo and at Washington, would indorse me; that I had a great opportunity for making a rapid fortune, &c. On my arrival at San Domingo I called upon President Baez and Cazneau, and others; all appeared glad to see me. I relieved Mr. Smith on the 16th day of November, 1869, who gave me a brief history of affairs: first, that Cazneau was ruining the whole thing, that is, the Dominican government, and represented a large portion of the public lands of the island for parties in New York City; that he was a very bitter confederate during the war; was from Texas; and now, apparently, a strong Grant man; and that he represented that he was a special agent of the United States, and in direct correspondence with Presi-

dent Grant. This Mr. Cazneau told me himself, and that I was very fortunate to be sent to San Domingo at this time; he could insure me a fine plantation, and opportunities to handle money for men in New York City whom he knew, and would introduce me to them.

In his testimony before the committee he says that Cazneau and Fabens were opposed to the release of Hatch, (page 22.) The following is an extract of his statement:

Q. You say that certain persons influenced you not to intercede for the release of Mr. Hatch because he would oppose annexation. On what ground did they say he would oppose annexation?—A. Because he was opposed to Baez and these men, Cazneau and Fabens, and their friends, who were working for annexation.

Q. Did you understand from these representations that he sympathized with Cabral, or was with Cabral as against Baez? Was that the allegation which was made against him?—A. No, sir; I never understood that he sided more with Cabral than he did with Baez. There has been almost constant war in the island. Sometimes one party is in power and sometimes another.

Q. You say you understood that he was opposed to Baez?—A. Yes; but he is opposed to Baez only since Baez has imprisoned him and persecuted him the way he has. He is now bitterly opposed to him. He told me in San Domingo City, after he was released, that he was not opposed to annexation, and was strongly in favor of it, inasmuch as his interests lay entirely in that way; but he had been so persecuted by these parties that it had made him bitter against them, and for revenge would take these steps.

Q. What parties?—A. Baez and his party, and Cazneau and Fabens, and their friends.

Q. You understood, then, that Fabens and Cazneau and Baez were on one side, and Hatch on the other; that they had quarreled?—A. Yes.

Q. They represented to you that he was opposed to annexation, and would interfere to prevent annexation?—A. Yes, sir.

Q. And therefore they thought it not advisable to have him released?—A. Yes, sir.

Q. He represented to you that he was in favor of annexation, but said he would oppose them for revenge?—A. Yes, on account of the manner in which he had been treated.

Q. When you applied for Mr. Hatch's release, what reason did Baez and his friends assign for not releasing him?—A. The confinement of Hatch was entirely through the influence of Cazneau.

In his dispatch of the 7th of June, he again says:

I told Babcock one day in my office, in San Domingo, that I thought there was foul play somewhere, and told him I did not like the action or propositions of Cazneau, Fabens, Baez, and others, and that I thought I was the wrong man in San Domingo at that time, and also asked if he, Babcock, had known these men long, and why it was they did not want Hatch released? Babcock told me I must not attempt to release him; that he would work against the treaty, and that he was an enemy to Cazneau, Fabens, and Baez. I will state here that I do not blame him for being so, as he had been most foully dealt with by these men, and I was of his opinion before I ever saw him, (Hatch.) I formed my opinion from facts in his case and other cases in San Domingo. Both his friends and enemies condemn the way he has been treated.

Here is a distinct charge against Mr. Fabens and General Babcock of having advised Mr. Perry, the former on board the steamer "Tybee," while on her trip to San Domingo, and the latter while at the city of San Domingo, under instructions from the President of the United States, charged with the negotiation of the treaty of annexation, not to procure the release of Hatch. Is this charge true? If true, we do not see how such advice can in any way militate against the treaty itself, unless it shall be proved that Mr. Hatch had, in fact, in his possession reliable facts going to show that one or the other party had been grossly overreached and defrauded in the concoction of the treaty, or that our own negotiator, Mr. Perry, himself, (for he was charged by our government with the duty of signing the treaty,) was imposed upon by grossly false representations as to the subject-matter of the treaty, or acted in ignorance of material facts, and greatly to the prejudice of his government.

Mr. Hatch was set at liberty on the 17th of March last. His liberation was procured, not by Mr. Perry, although the latter had been in-

structed on the 12th of January, 1870, to use his good offices to procure his release. He had failed to procure his release, which failure had necessitated the peremptory demand to that effect, dated March 14, 1870, (printed testimony, page 101,) which could not possibly have reached San Domingo before the 20th, at least three days after the release. This release seems to have been procured by Admiral Poor, as stated in his letter to the Secretary of the Navy, of March 12, in which the admiral says:

During this interview the subject of the imprisonment of Mr. Hatch, an American citizen, was introduced. The explanation for the continued incarceration of Mr. Hatch was his connection with parties and presses in the United States hostile to San Domingo, and that he would exert an influence there upon public opinion that would be very detrimental to the interests of San Domingo with regard to annexation. I told him I thought his clemency and prompt acquiescence to the request of the Secretary of State for the release of the said Hatch would exercise a greater influence to his advantage than anything that Hatch or his friends could do, with the aid of the press to the contrary. The President consented to order Mr. Hatch's release and to deliver him into my custody. I will send him north by the first opportunity which offers, after he is placed in my hands.

Very respectfully, your obedient servant.

On the 20th of March the admiral sends another dispatch, in which he says: (page 129.)

The Mr. Hatch referred to in my communication (No. 31) of the 12th instant was delivered into my custody by orders of President Baez just in time to be furnished with a passage in the Yantic to Havana, and from thence he will be sent to New York.

Very respectfully, your obedient servant.

It is apparent from this that when the government of Baez had been appealed to by an agent whom it respected, it at once complied with our request. Indeed, so little does Mr. Perry seem to have had to do with this release, that Admiral Poor does not even name him in his dispatches on the subject.

If General Babcock had in any way interfered to prevent Hatch's release, it is a little remarkable that we find no evidence of this in the official correspondence of Admiral Poor or the Dominican government. Had such been the case, it must be presumed that the Dominican government would have set up that excuse and would have informed our government of the fact; and yet we find no such intimation against General Babcock, except in Mr. Hatch's letter to him, (Babcock,) dated at Azua, March 15, 1870, two days before his release. (See pages 122-126, &c.) But this letter is so manifestly written under the influence of wild surmises and in such a rancorous spirit that we do not think it entitled to any weight as evidence. He bases his accusation upon a letter he had received from a "friend in San Domingo," (without giving his name,) in which letter the writer says he has it "from undoubted authority that General Babcock took on with him the so-called proof of his (Hatch's) complicity in the revolution against the government, to lay them before the President and State Department in order to forestall and prejudice his (Hatch's) case, and to prevent any interposition by our government in his (Hatch's) behalf, and this before his (Hatch's) trial." Mr. Hatch adds that "the source whence this report came was reliable." General Babcock denies all this on his oath, and the Secretary of State says that he brought back with him no such proofs. Mr. Hatch in this letter charges General Babcock with being "one of the commissioners who investigated and approved the conduct of Baez towards him," (Hatch.) This is too ridiculous for further notice, and we only cite it to show how little reliance is to be placed upon the statements of Hatch.

Since his release Hatch has been at full liberty to furnish to the President and Senate, and to the public if he chose, all information in

his possession respecting the treaty; but so far as the committee are informed he has entirely omitted to do so. He has in the meantime drawn up and presented his memorial and petition, complaining of the private wrongs done him and forwarded them to the Senate. He has remained at St. Thomas, omitting to return to the United States. And now are we to believe, after three months silence on his part, that he had in his possession facts of such transcendent importance as to require the rejection of the treaty for fraud, concealment, or circumvention?

If the charge we are speaking of be untrue, then the accuser occupies no enviable position before the public. He holds the attitude of a representative of the government charged with the duty of protecting an American citizen abroad and in trouble, gratuitously charging another agent of the government with enticing him to neglect that duty. The circumstances of the case do not favor the charge. Why should General Babcock have given such advice? What motive had he to prevent the release of Hatch? We cannot see any reason why General Babcock should have taken it upon himself to act counter to the instructions which Perry had received from the department. General Babcock had visited San Domingo in the summer of 1869, reaching there about the 25th of July. Until then, he knew nothing about Mr. Hatch or his affairs. On the 22d of August, according to his sworn statement before the committee, he had an interview with President Baez, when Mr. Smith, our commercial agent, was present. The following is General Babcock's statement of what transpired on that occasion, (printed testimony, p. 37:)

Q. Did you interfere in any way in that conversation?—A. No, sir; I simply listened to what they said. After Mr. Smith went out, President Baez told me that Mr. Hatch had been arrested, and was then at Azua, on his way to San Domingo City, to be tried, and asked me about it, and I said: "Mr. President, you must be certain that you are right in the question of law, if you try Mr. Hatch for any such thing; if you have the proof positive that he has been attempting to overthrow your government, I do not suppose our government will in any way interfere in the case; but you must be very certain that your evidence is entirely correct." That is all the opinion or instruction I ever gave to him about it. Once or twice during the conversation he referred to Mr. Hatch, and to the part that Mr. Smith in the interest of Mr. Hatch, had taken, and I invariably answered in that way, that if he had any charges against Mr. Hatch, he must make them out in writing, and send them to the State Department in Washington; that I had no authority to treat on any such case whatever. President Baez and his cabinet told me that Mr. Smith, the commercial agent there, was not a friend of those people, not a friend of their republic; that he was in the interest of Cabral, and they believed—though they did not give me any proof—that he was in communication, and that his office was used as a means of communication with the Cabral force that was trying to be raised against the republic.

This certainly does not look like an interference on his part to prevent the release of Hatch. Quite the contrary. It is a wise and prudent suggestion to President Baez to be cautious how he dealt with an American citizen.

But the committee distinctly called the attention of General Babcock to the passage in Mr. Perry's letter of June 7, containing this charge, and General Babcock distinctly and emphatically denied it. (See testimony, p. 112.) We have no reason whatever to believe that General Babcock ever at any time gave Mr. Perry such advice.

As to the same charge brought against Mr. Fabens by Mr. Perry, Mr. Fabens, who is at present the minister of the Dominican Republic accredited to our government, waited upon the committee and expressed himself willing to make a full statement concerning this matter. His attention, too, was distinctly called to the charge contained in Mr. Perry's letter of June 7, in which he is accused of giving Perry the same advice. He distinctly denied it, (see printed testimony, p. 168,) and we

are compelled again to declare our opinion that Mr. Perry is totally mistaken in the accusation he brings. Mr. Fabens is, and has been for several years past, an intimate personal acquaintance of Mr. Cazneau, of San Domingo, and resided near him on the island, has conversed with him about the case of Hatch, and now affirms before the committee that he never heard Mr. Cazneau intimate that Hatch ought to be detained a prisoner for that or any other reason, (see printed testimony, p. 168.)

It has not been proved even that Mr. Cazneau, who was not an official of our government, though an American citizen, and one of the persons on whom Mr. Hatch as well as Mr. Perry seeks to throw the blame of detaining Hatch, ever made any attempt to that end. Mr. Smith, the ex-commercial agent, stated before the committee that when Hatch was brought to San Domingo City for trial, he (Smith) called upon Mr. Delmonte, the minister of justice, and made representations in favor of the prisoner, entreating him not send him to Azua, but to permit him to remain in his (Smith's) house; the minister replied that the process must go on; that Hatch must be sent to Azua for trial; and added, "I pledge you my word and honor, in the most confidential manner, that not a hair of his head shall be touched; don't speak of it; but remember you have it from me that he is not to be hurt. But he will have to go through with all the process." Mr. Smith adds, "I went to the prison and said to Hatch, 'You must make up your mind to go back again; don't be frightened; you won't be hurt; I am satisfied of that; I know all about it.'" (Printed testimony, p. 153.) After this emphatic assurance from our commercial agent, Mr. Hatch must have felt quite secure in respect to the trial; and it is not strange that when called upon by the officials at Azua, and notified to prepare for it, he should manifest his indifference by replying that he "would think about it."

There is not only no proof of Mr. Cazneau's interference against Hatch, but direct proof that he had been of the same opinion as Smith on the subject, and that the confinement of Hatch was bad policy at the time. In a letter to General Babcock, dated San Domingo, September 22, 1869, he says:

Mr. Hatch, who is now under trial at Azua for the part he had in the Cobreacao raids on the border, is the only other white American who has ever been on trial before a Dominican court for a serious offense, and the worst that will happen to Mr. Hatch will be a few weeks' detention. He will be pardoned, though some who have followed his lead will suffer long imprisonment, if not death. This affair is producing some serious inconveniences to this government.

From this time down to the 17th of March, 1870, Mr. Hatch was restrained of his liberty at Azua. The treaty was negotiated and signed at San Domingo City the last days of November, and in the light of attendant events and the known facts of the case, it seems to be a very far-fetched presumption, that had he been at large and completely unrestrained, he could, by the use of any facts within his knowledge, have delayed or prejudiced the plan of annexation.

To all this should be added the fact that Mr. Hatch himself, in the papers laid before the committee, repeatedly declares himself favorable to the annexation of the republic to the United States. In his memorial presented to the Senate he carefully repels the suspicion which he thinks was entertained against him by President Baez of being opposed to annexation. It is noticeable that this memorial is dated at the island of St. Thomas, May 13, 1870, nearly six months after the signing of the treaty, and when it is probable he had become acquainted with its contents, to some extent at least. And yet he says:

The undersigned having been an earnest advocate of annexation, and had remained in the country partly to encourage it among the people, as many of his letters extant

will bear witness, and which was too well known in the community not to have reached the ears of President Baez, it is evident there were other motives; and these will appear in the documents and papers which will be presented herewith.

What "other motives" he alludes to, have not yet appeared. On the other hand, the real motives for his detention were clearly and officially announced in the dispatch of Mr. Gautier, of the 19th of February last, already cited, so that this pretense of "other motives" seems to fall to the ground.

Now, let us go back a step and learn what was the condition of this Hatch affair in November, 1869, when Mr. Perry and Mr. Fabens took passage for San Domingo on the Tybee. The honorable Secretary of State appeared before the committee and stated as follows:

The first intimation I had of any trouble in which Mr. Hatch was involved was in a dispatch received some time last September, I think, from Mr. Smith, who was then the commercial agent of the United States at San Domingo. His dispatch has been communicated to the Senate, and printed. He referred to it as the case of an American citizen who had been imprisoned, and whose case, I think he had communicated to President Baez; that he had been some length of time without any information from Mr. Hatch; and there were some parts of the letter which, in communicating it first to the Senate I did not think it worth while to transmit, because I did not think they bore upon the case. I think there were two dispatches which came about the same time. The correspondence following, the Senate has received and has had printed. I do not know that I can add anything to it. There was nothing up to that time that I have not communicated. By referring to the printed document, (Senate Executive Document No. 54, forty-first Congress, second session,) I can tell you the dates.

Mr. Smith's first dispatch is dated 4th September, 1869, at San Domingo City. His next dispatch is dated September 9, 1869. I think both those dispatches were received here at the same time; in the latter of which he says:

"I cannot communicate anything further until I see Mr. Hatch, and am acquainted with the accusations on which he has been arrested."

The next dispatch from Mr. Smith was dated at San Domingo City, October 8, 1869. In this dispatch Mr. Smith stated that Mr. Hatch had been brought to trial by a court-martial, and condemned to be shot; that "the sentence was immediately forwarded by express to the President, who referred it to the 'senatus consultum,' and that body decided to pardon Mr. Hatch; and an order from the government to that effect was sent to Azua, and I understand he is at liberty and will receive his passport."

We supposed that that terminated the case of Mr. Hatch, and that he was then at liberty. On the receipt of that dispatch, by the next steamer, on the 15th of November, a dispatch was sent to Mr. Smith, signed by Mr. Davis, the Assistant Secretary of State, stating that "the department hopes that the representations which have been made to the Dominican government respecting Mr. Davis Hatch have been successful."

It was supposed that that ended the case.

Mr. Smith's dispatch of the 8th of October, announcing that Hatch had been released, was received by the Secretary of State at Washington before Mr. Perry and Mr. Fabens sailed from New York City for San Domingo, and the department supposed the affair was ended. But Mr. Perry swears (p. 21) that while he and Mr. Fabens were on the Tybee, on the way to San Domingo, the latter told him that he hoped he, Mr. Perry, "would not intercede in that man's behalf; that he would be a barrier to annexation, and also a great enemy to him and Mr. Cazneau. From this it would appear that Mr. Perry was notified by Fabens of the non-release of Hatch while on the voyage; yet, on the 16th of November, the moment he had arrived at San Domingo, he writes to the Secretary of State as follows:

Mr. Hatch, the American citizen who has been imprisoned at Azua, I understand, has been pardoned on condition that he leaves the country.

This pardon was granted by the senate on the 4th or 5th of the preceding October, and the fact notified to the Secretary of State by Mr. Smith. Mr. Perry now would have us believe that, on the way to San Domingo, Fabens, a resident of the republic, and an intelligent, influential man, had informed him that Hatch was not, in fact, released. Perry, in his first dispatch home, says nothing about the information he

thus acquired from Fabens. If Fabens told him so, it may be asked, with some emphasis, why Perry did not so inform the department in his first dispatch home. The omission would seem to imply that Mr. Fabens is truthful when he declares that he "never told Perry any such thing," though the fact was that Hatch was not yet set at liberty, but detained for reasons of state, as set forth in Minister Gautier's dispatch of the 19th of February. It may be added that Mr. Fabens then had but little acquaintance with Hatch, and felt friendly to him. This appears from his statement before the committee, (printed testimony, p. 168,) and is nowhere disproved. He says:

Q. Did you have any conversation with Mr. Perry about Mr. Hatch?—A. I do not recollect mentioning the name of Mr. Hatch on that voyage.

Q. Do you recollect what your conversations with Mr. Perry were about Hatch?—A. I do not distinctly—I cannot call them up.

Q. So you only say that, although you do not recollect what your conversations were about him, this statement is not correct?—A. Yes, sir; I am satisfied that this statement is not correct.

By Mr. HOWARD:

Q. Please give your reasons for that belief in your own mind, if you have any?—A. My reasons are, as I have stated, that I had no grounds for believing that Mr. Hatch was detained at that time, and I had no such feelings toward Mr. Hatch; I did not suppose that he could influence the question of annexation, or was disposed to do so, unfavorably.

By Mr. SCHURZ:

Q. Do you say that you had no knowledge of Mr. Hatch being detained?—A. At that time I understood, not that he had been pardoned, but that his sentence of death had been commuted to banishment; that is the information that I had received.

Q. Had you any knowledge of the imprisonment and trial of Mr. Hatch?—A. I heard of it; I was in the States at the time; I was in New York.

Q. Were you in San Domingo in July and August, 1869?—A. I was, in July and a portion of August, I think.

Q. Did you then hear anything about Mr. Hatch?—A. I heard that he was arrested.

Q. What were your relations with Mr. Hatch at the time?—A. My relations were friendly enough; my acquaintance with Mr. Hatch and his associate was a friendly one always.

Mr. Fabens in his statement before the committee uses the following language, denying this imputation of advising Perry not to procure the release of Hatch in the most distinct terms, and giving his reasons for his denial. (See printed testimony, p. 168:)

Q. I find this statement made by Mr. Perry in a letter to the Secretary of State of the United States, dated June 7, 1870, to which I wish to call your attention: "I sailed on the steamer Tybee on the 3d day of November, 1869, for San Domingo, and met on the voyage Mr. Fabens, who was full of his accounts of the rascality of a Mr. Hatch, and expressed a wish I should not release him on my arrival at San Domingo, as he was an enemy to Baez and annexation, and also to himself and Cazneau; and that he (Fabens) and his friend Cazneau, as he represented, a man of great wealth and influence in San Domingo and at Washington, would indorse me; that I had a great opportunity of making a rapid fortune," &c. State to the committee what you may think proper to say on the subject of that allegation in Mr. Perry's letter.—A. There is no truth in it at all. I cannot, of course, recollect all the conversations that may have occurred on the ship going down; but I am satisfied that there was no conversation of that nature, nothing of that character in regard to Hatch, as at that time I was convinced that Mr. Hatch was at liberty. Neither did I ever understand that Mr. Hatch was opposed to annexation, or would under any circumstance do anything to retard it.

Again he says, (p. 174,) in reference to Mr. Hatch's confinement:

Q. Did you at any time or in any way exert yourself for the continued confinement of Mr. Hatch?—A. No, sir; never; I should have been glad to see Mr. Hatch released at any time.

We are forced to say we think Mr. Perry's conduct evinces that his charge against Mr. Fabens, of giving such advice, was an afterthought, arising probably from personal dislike of that gentleman, and a willingness to impair his influence. Mr. Fabens was a friend to Mr. Cazneau,

with whom Mr. Perry had a misunderstanding during his stay in San Domingo. Mr. Cazneau's letter to him of the 6th of May, 1870, to be found in the testimony taken by the committee, (p. 91,) is evidence of the state of feeling between them. That the charges he brings against General Babcock, as to the detention of Mr. Hatch, was also an after-thought, is shown by the fact that he makes no mention of it to the Secretary of State, either in official communication, or otherwise. (See Secretary of State's evidence, p. 98:)

Q. Have you any evidence or knowledge that General Babcock did, in any way, interfere to prevent the release of Mr. Hatch?—A. I have no knowledge whatever, and no belief that he did. Nothing has come to me except the rumor, as I hear it from the debates of the Senate, that he so interfered.

Q. Did Mr. Perry, in his correspondence with you, ever pretend that General Babcock had thus interfered to prevent the release of Mr. Hatch?—A. I do not recollect any complaint of that kind from Mr. Perry.

And up to the letter dated June 7th, and submitted June 11th, after the investigation had commenced, Mr. Perry never mentions, in any official or unofficial paper produced, General Babcock in connection with the detention or release of Mr. Hatch. And the committee are constrained to avow that the evidence before them does not present the character of Mr. Perry in a favorable light. He seems to be wanting in the quality of self-control, and to be subject to the impulses of strong passions. While at San Domingo the style of his correspondence with the minister of foreign affairs was so abrupt and domineering that the minister felt obliged to rebuke him. We refer to the letters of Mr. Gautier, of the 8th and 9th of March, 1870. (Printed testimony, pp. 85, 86.)

In his letter to Mr. Gautier of March 8 (p. 85) he says: "My government desires his release *at once*." This was not warranted by his instructions. He had been told merely to use his "good offices," while he intimates that our government had already instructed him to *demand* Hatch's release.

In his note to Mr. Gautier of the next day (the 9th) he makes the peremptory demand in the following insolent note:

COMMERCIAL AGENCY OF THE UNITED STATES,
San Domingo, March 9, 1870.

SIR: Referring to your conversation of this morning, in which you suggested postponing an answer to my communication of the 8th, in demanding the immediate release of Mr. Hatch, I would now beg to state that an immediate and positive answer is imperative, in view of the momentarily expected arrival of the Tybee. I shall look for your answer this p. m.

I am, sir, very respectfully, your obedient servant,

RAYMOND H. PERRY,
United States Commercial Agent.

M. M. GAUTIER,
Secretary of State, San Domingo,

To this unauthorized and impertinent note Mr. Gautier replied on the same day in the following dignified answer:

SAN DOMINGO, *March 9, 1870.*

DEAR SIR: I have read with astonishment the contents of your communication of this day, which serve to increase the painful apprehension that your note had caused me, and for which answer you fixed a time. It is not granted me at this moment to enter into inconvenient controversy, on account of the important question pending between the United States and the Dominican Republic, but I will say that my government, in all its acts, has provided and proceeded through its own ideas and guided by the best principles of equity and justice, having in view the peace of the society it is called to protect.

This answer is given to you, and I again refer you to my communication of February 19. I did then refer the question to the cabinet at Washington, in conformity with the instructions received from my government, about the solution of Mr. Hatch's

business. Before taking a different resolution I must submit your note of the 8th to my government, which I have not been able to do as yet, on account of the importance of our local business, and I have no doubt that I will be able to give you an answer to the resolution very soon.

I renew the sentiments, &c., &c.,

M. M. GAUTIER.

RAYMOND H. PERRY, Esq.,
United States Commercial Agent.

Having promised to be responsible for a fine imposed upon an American seaman by the judgment of a Dominican court, and being called upon in court by the claimant, in presence of the judge, to redeem his engagement, he struck the claimant in the face and ordered him to be silent. For this conduct of the American minister Mr. Gautier requested our government to recall him. (See the letter of Mr. Gautier, p. 119 of printed testimony.) His own account of the leading incidents of his life shows him to be bold to rashness and fond of scenes of violence. (See pp. 253-255 of the printed testimony.) His military record shows that he was tried by court-martial while in the army, on charges of peculation, found guilty, and sentenced to be dishonorably dismissed the service. (Printed testimony, p. 250.) An honorable member of the House of Representatives, who has known him long and well, gives him a character that reflects no credit upon him. (Printed testimony, pp. 176, 177.) And lastly, he avers, both in his letter of June 7 to the Secretary of State and in his sworn answers before the committee, that he misinformed his government in his official dispatches touching affairs in San Domingo, as to which he was bound in honor as well as law to "tell the truth, the whole truth, and nothing but the truth," for the information of his government. The rebuke administered to him by the Secretary of State, in his answer to the letter of June 7, we think well merited. (See printed testimony, p. 264.) It is severe, but not undeserved, for an American minister who, complaining as Mr. Perry does, that he has not been met by his government with that "spirit of frankness" which he claims to have shown to it, admits in the same breath that in his official dispatches he has furnished false information and suppressed the true, places himself in an attitude to forfeit all confidence.

We cannot, therefore, allow his asseverations any weight against the probabilities of the case and the calm and emphatic denials of General Babcock and Mr. Fabens, but prefer rather to think that he has allowed himself to be misled by his private resentments and by the suspicions engendered in his mind by them, coupled with the rumors propagated by Mr. Hatch and his friends against the integrity of Messrs. Fabens and Cazneau.

The assertion of Mr. Perry made in his letter of June 7, (printed testimony, pp. 102-107,) and in his sworn statements respecting two treaties—one for the "Dominican people in order to deceive them, and one for the United States in order to keep them quiet"—is manifestly an exaggeration. General Sackett, in his testimony, fully explains this. (Printed testimony, pp. 51, 52.)

At a moment when, to all appearances, the treaty was likely to be a failure, Mr. Cazneau, while walking in the street, in company with Generals Sackett and Babcock, suggested the getting up of a secret treaty. This suggestion was at once repelled by those gentlemen, and nothing more came of it. Such an imposture would have been soon exposed, and would have been, to a moral certainty, the defeat of the whole plan in the United States Senate. Baez had sagacity enough to see this, and so had Cazneau, Fabens, and all other persons of the slightest reflection. Yet Mr. Perry would have us believe that Cazneau proposed

it. But the charge is disproved by the direct testimony of General Babcock, General Sackett, and General Ingalls, who were all present in San Domingo, participating in the whole of the negotiation. Not one of these gentlemen ever heard of such a proposal. (See printed testimony, p. 110.)

If Mr. Hatch was, as he declares in his memorial from St. Thomas, above referred to, sincerely in favor of the annexation of San Domingo, the outcry he has made must have been aimed not at the treaty, no clause of which he criticises, but at the mere instruments—the *persons* who framed the treaty. A mere private person, he thus assumes to censure the action of both governments for employing persons disagreeable to him in the conduct of their public affairs; it is not worth while to comment upon such an assumption.

The committee have come to the conclusion, which they announce with pleasure, that, although it has been openly asserted in the Senate that General Babcock was guilty of misconduct, they are satisfied that the charge is totally unfounded, and that he conducted himself throughout with perfect honesty and sincerity. They look in vain for any evidence worthy of a moment's consideration of any sinister object on his part, or any misstatement or prevarication. His whole conduct has been marked by honor, truth, and fidelity; and the evidence leaves him without a stain. And we should be untrue to our own convictions did we not apply to Generals Ingalls and Sackett, who accompanied him and aided in the negotiation, the like commendation.

And we take equal pleasure in expressing our conviction, after weighing all the facts and circumstances within our knowledge, that in its negotiation and preparation the treaty is free from any fraud or unfairness, and that the agents employed by the respective governments have all acted with becoming frankness and sincerity. It is not permissible in us to express in this public manner our opinions of the merits of the treaty, or the course which the Senate should adopt in regard to it; but as the agents engaged in its initiation have been charged with corrupt motives and improper conduct, we deem it appropriate to say we deem the assertion entirely unfounded.

Mr. Hatch claims the interposition of the United States in his behalf to induce the Dominican government to pay him damages for his trial and condemnation; for his detention in confinement after the commutation of his sentence; for the degradation to which he was thus subjected; and, also, for the seizure and use of his personal effects at Barahona by the Baez troops, under General Garcia, on the reoccupation of the place by that general in August, 1869. And he fixes the amount of his claim for those alleged injuries at \$50,000. As to the trial of Mr. Hatch, and his detention after the commutation of his sentence, we have already expressed our views. We do not conceive it to be the duty of our government to interpose in his behalf in respect to that transaction. We know of no principle of the law of nations that justifies our government in demanding reparation. Had he been wantonly seized and subjected to a mere mock-trial and condemned without a hearing, and without testimony; in short, had he been treated with manifest wantonness, tyranny, and cruelty, we could not hesitate to recommend a demand for satisfaction; but the facts do not show that such was the character of the proceedings, but they were, on the contrary, in accordance with the laws of the republic. The committee, therefore, see no ground for this branch of his claim.

Now, as to his claim for damages arising from the alleged seizure and confiscation of his property, we remark, in the first place, that it would have been more appropriate if Mr. Hatch had addressed himself

to the Secretary of State in order that the latter might have opened negotiations with the Dominican government on the subject of this claim. The Secretary of State is the proper agent by whom our foreign relations are managed, and Mr. Hatch should have reflected that courtesy to the Dominican government required that it should be fully notified of the nature of this claim in the usual forms of diplomatic intercourse. In this way the claim might have been fully investigated, the truth of the whole matter ascertained, and, if the claim was well founded, reparation voluntarily made by the Dominican government. As it is, Mr. Hatch appeals to the legislative branch of our government and asks it to interfere for him, "to take his case into consideration, and to intercede to obtain the amount of damages aforesaid" from the Dominican government. Did Mr. Hatch, under the advice of friends, thus pass by the Secretary of State and bring his claim before Congress for the purpose of availing himself of the publicity thus afforded to assail the treaty and the agents engaged in procuring it—a subject, the whole merits or demerits of which were properly and by the rules of the Senate to be discussed in secret session? Did his "revenge" and animosity against those agents carry him so far as to appeal to Congress for the very purpose of enabling him publicly to assail indirectly the executive branch of the government, to whom the matter of his claim against Mr. Hatch properly belonged? That his petition has been the occasion of such an assault is evident. Congress, as such, has no power to notify the Dominican government; and if it act at all must act *ex parte*, unless the latter government shall see fit voluntarily to appear before us and answer the claim; in other words, Mr. Hatch seeks to obtain against Baez's government without notice a legislative decree that that government pay him his damages.

This surely is an unusual proceeding. It asks us to prejudice the whole case against that government without hearing what it has to say in reply, and to demand of it reparation at the risk of war should that government refuse. It ignores the right of San Domingo to show cause to the contrary, and makes the government of the United States assume an air of dictatorship toward that power utterly derogatory to its independence and dignity, and utterly inconsistent with our own policy and character. The committee cannot too strongly condemn such a proceeding, one so plainly at war with every principle of the law of nations, the rights of nations, and the peace of the world. Especially is such a course objectionable toward so feeble a power as San Domingo, more deserving of our liberal kindness than our dictation.

So much for the *forum* which Mr. Hatch has selected.

To prove the loss of the property, however, he presents no other proof but his own statement, to which he has omitted to make oath. If he had suffered much damages we do not imagine it to have been impossible for him to procure some sort of testimony in the shape of depositions of witnesses or other documentary proof, such as a *protest* made at or near the time by himself or some friend tending to establish the fact. But we have no such proof, and we are not aware, from anything before the committee, that he ever drew up any documentary statement until the 13th of May, 1870, the date of his petition to Congress. In this paper he states his case as follows:

Nothing was known of the situation of affairs in other parts of the country during all this time, and not until the 14th of August, when General Garcia, with about three hundred men of the government army, took possession of the town without opposition. He came immediately to my house with all his staff. I received them courteously, and entertained them with such as I had. After being in the house about an hour General Garcia left, with the chief officers of his staff, to take a look around the town; and as soon as they were well out of sight, some fifty or more of the troops rushed into the

house and made a general pillage of everything they took a fancy to, without any attempt to restrain them being made by the officers present. My clerk ran immediately to call General Garcia. He came in great haste, caught several men in the yard making off with their plunder; took it from them and threatened them with severe punishment if anything of the kind should be again attempted; and also severely reprimanded the officer whose duty it was to see that a guard was placed over the house. He then came to me and expressed his regrets for what had happened, and promised to guard against a repetition of the outrage, remarking at the same time that they were the worst set of men he had ever had to do with, and that some of his officers were as bad as the men. On returning from Rincon with his army, on the 17th, General Garcia, with his mounted officers, passed directly through the town to reconnoiter, and immediately after a large body of the troops broke open my house, which was closed and locked, and carried off the little merchandise recovered on the 14th, a considerable portion of my clothing, wax, gum, and other articles. General Garcia returned soon afterward, and, hearing what had occurred, came immediately to a neighbor's house, to which I had been obliged to remove, having lost all my cooking apparatus, crockery, cutlery, &c., and again apologized for the robbery, and promised every satisfaction in his power, and that he should make a thorough investigation into the affair. On the following morning the troops were formed in the square, and after a little time the man was pointed out who led the gang the afternoon previous, and was shot five minutes after the discovery. General Garcia came to me after the execution, and said he hoped the exemplary punishment he had made to enforce discipline in his army would satisfy me that he was not one to tolerate such conduct in men under his command. I replied that I had never thought otherwise of him, and therefore felt perfectly secure when I heard he was coming in command of the army; but that I thought some of the officers of his staff more to blame than the men, and was persuaded they knew of the arrangement to plunder my house before their entry on the 14th, consented to it, and participated in it, which was evident from the fact that several of them had on articles taken from my store and wardrobe. It is not surprising that ignorant men, forced into the service by a press-gang—without conscription or enrollment; without the semblance of discipline or military order; without pay or regular rations; half-starved and half-naked—should avail of every opportunity to help themselves to whatever they needed, regardless who their victim was, or of its consequences to their government; but a government that tolerates such things in a general or other commissioned officer is doubly and trebly responsible.

Even admitting this to be a correct statement of the mode of the spoliation, it is manifest that it was nothing but the ordinary ravages of war. Had Mr. Hatch been a firm and active friend of Baez, as he was not, we are by no means prepared to say that under the circumstances the government of Baez was by any principle of public law responsible for this alleged spoliation; for we cannot admit the principle that a government is justly answerable for all the damages done to its citizens or subjects resulting from the operations of its armies in the field. The ordinary duty of a government to protect its citizens or subjects is limited by the principles of public law to the enactment and enforcement of statutes requisite to maintain peace and order among them, such as the establishment of courts of justice and other protective and remedial agencies. But to hold the government responsible for all damages that may occur to individuals in the necessary use of military means to repel an invasion or subdue an insurrection would be to demand of it what would be in very many cases utterly unreasonable and impracticable.

We do not find in recognized treaties of the law of nations and or war such a principle. In such cases it must be expected that individuals will, to some extent at least, be sufferers in the common calamity. But we must not lose sight of the fact that Mr. Hatch was not a friend of Baez or his government, and that he had connived with the enemy during Cabral's occupation of the place. This was fully proved upon his trial, and this was the ground of his condemnation. In addition to the proofs we have cited above, used upon his trial, we are compelled to refer to the further fact that while at Barahona, and during Cabral's occupation, he furnished to the craft called the Telegraph a bill of health; this bill of health being the only document found on board at the time she entered the port of Tortola, she was considered to be a

pirate, and in the employ of Cabral; and she had no right to enter the port of Barahona because that was not a port of entry.

We refer to the official report of Commander Queen to the Navy Department, dated St. Christopher, September 11, 1869, and to the testimony of General Babcock, on the subject, (printed testimony, p. 41:)

Commander Queen went with the Tuscarora to Tortola. I have here his original report to the Navy Department, and I will call attention to portions of it. It begins with a letter dated St. Christopher, September 11, 1869. I will read only a portion:

"The policy of the government of the island in relation to the Telegrafo has been extremely vacillating, caused, no doubt, in a great measure by the persons interested in the vessel, many of which are at present here, having accompanied Governor Pine from Antigua. The governor himself has developed in council that the sale of the vessel was a sham. The officer effecting the sale has been dismissed, and the money paid into the colonial treasury, as the commission on the sale has been returned. The only paper which the vessel was enabled to exhibit at Tortola was a bill of health furnished by one Hatch, an American, at Barahona, a Dominican port, not a port of entry."

On September 20 he transmits the various papers that had been furnished to him in reference to this vessel, and the last one, numbered 26, is:

"I hereby certify that the steamer Telegrafo, (or *Restauracion*,) arrived in the port or harbor of Tortola on the 12th July last past under Dominican colors, produced at the custom-house a clearance and bill of health from the port of Barahona, San Domingo; and no other documents to prove her nationality or ownership were exhibited.

"ISAAC FARRINGTON,
Comptroller Customs.

"TORTOLA, 6th August, 1869.

"I hereby certify that Isaac Farrington, esq., is comptroller of customs.

"JOSEPH G. GORDON,
Provost Marshal."

And it may be added further, according to the testimony of ex-Commercial Agent Smith, (printed testimony, p. 155,) that Mr. Hatch had been engaged in other illicit traffic at Barahona. The Danish vessel Rotto was consigned from St. Thomas to Mr. Hatch, at Barahona, and was undoubtedly engaged in illicit traffic, in which Hatch connived. She was seized, condemned, and sold by the Dominican government. (See printed testimony, p. 155.)

That a person so situated should make reclamation against the government he was thus offending would seem to be singular; and from what is before us we cannot presume that Mr. Hatch had, or has now, any ground for a claim of indemnification. If he was demitted at all—a fact which it is not necessary to deny—it was his misfortune, growing out of his own fault; and without assuming to say that he can establish no just claim against the government of the republic, we are constrained to say that we are not able to see its justice, and that at any rate his application to Congress in this behalf is premature and irregular. We cannot but regard this unusual course as an attempt by Mr. Hatch, in making his alleged grievances public, to prevent a fair consideration of the treaty of annexation; to arouse unfounded prejudices against it, and finally to defeat it. His course evinces a want of that candor and circumspection which should characterize every American citizen abroad in matters in which his government and country are concerned. Loud and passionate clamors against individuals, blind surmises and personal pique that warp the judgment and induce a forgetfulness of matters of fact, are not the means proper to be exercised to influence our judgments in matters of such grave importance.

The committee therefore recommend that Mr. Hatch's petition be indefinitely postponed.

JAMES W. NYE.
J. M. HOWARD.
GEO. H. WILLIAMS.
WILLARD WARNER.

VIEW OF THE MINORITY.

Mr. SCHURZ submitted the following as the views of the minority:

The undersigned regret to be obliged to declare their dissent from the report of the majority of this committee in every important point of fact as well as of reasoning.

We submit the following statement of the case of Mr. Davis Hatch as strictly in accordance with the evidence before the committee. Mr. Davis Hatch is universally acknowledged to be a gentleman of the highest character and respectability. The testimony of all the witnesses, without exception, agrees in this respect. Mr. Fabens himself, the diplomatic representative of the Dominican government, sent here to promote and protect its interests, admits that Mr. Hatch's private character is without reproach. The most prominent citizens of Norwalk, Conn., the home of Mr. Hatch, having heard of an assault made upon his character in the Senate, hasten voluntarily to express their high appreciation of him as a citizen and a gentleman. (Published testimony, p. 179.)

MR. HATCH'S TROUBLE WITH THE DOMINICAN GOVERNMENT.

While Mr. Hatch was engaged in mercantile business at Barahona, in the Dominican Republic, that town was invaded by an armed force of the Cabral party, insurgents against the government of President Baez, and it remained in their possession for a period of about three months. It then fell into the hands of the troops of Baez, and Mr. Hatch was arrested immediately afterward on the alleged ground that he had aided the Cabral party. This happened in the month of August, 1869.

He was taken to the city of San Domingo to pass through an examination. Had he been tried there, the trial would have taken place before a civil tribunal and under the eyes of the consul of the United States. But he was carried to Azua, a hundred miles from San Domingo City, into a province then under martial law, where he was brought before a military court.

The proceedings of that military court, with a full account of the charges preferred, the testimony taken, the arguments made, as well as the finding and sentence of the court, form part of the evidence accompanying this report. The majority of this committee have much to say in favor of those proceedings, their regularity and justice. Without going into a lengthy argument, the undersigned content themselves with simply inviting senators who desire to form for themselves an impartial opinion in the case, to read the official record of that trial; we are confident they will come to the conclusion that the whole proceeding was a barbarous farce—a transparent act of persecution.

The circumstance that Mr. Delmonte, the Dominican minister of justice, assured Mr. Smith, then commercial agent of the United States at San Domingo, before and during the trial, that Mr. Hatch would finally not be harmed, and the same assurance given to Mr. Hatch, render it probable that the Dominican government itself had no great faith in the justice of its own action.

Before going further in this narrative, we may inquire into the probable motives which led to these acts of chicanery and persecution.

The testimony shows that in former years Mr. Hatch had incurred the displeasure of two very powerful individuals on the island. We must look back to the year 1866. In that year the people of the Dominican Republic had formed a constitutional government, with a Congress regularly elected by the people, and other institutions of a liberal character. General Cabral was made president. Baez was in exile.

During that time Mr. Hatch wrote a number of letters, which were published in American newspapers, severely reflecting upon General Baez.

Mr. Hatch also prevented, by the information he furnished, the confirmation by the Senate of the United States of Mr. William L. Cazneau, who had been nominated by President Johnson for the office of minister resident of the United States to San Domingo. General Baez and Mr. Cazneau were great friends.

In 1868 the constitutional government was overthrown in a revolutionary way by the friends and partizans of General Baez, and one of General Baez's first acts, after his accession to power in 1868, was the arrest of Mr. Hatch on the alleged ground that Mr. Hatch had co-operated with the opposite party. How absolutely groundless this charge was then appears from a letter addressed to President Baez by his own brother, Generale Valentine Ramirez Baez, governor of the province in which Mr. Hatch resided, and by the testimony of Mr. Somers Smith, our commercial agent, both of which form part of this report.

It ought to be noted here that Mr. Hatch was the agent and representative of a company of Americans who had acquired the grant of a valuable salt mine; that Baez had repeatedly tried to have that grant annulled, and that the ownership of that salt mine appears to be in doubt even now, inasmuch as on one of the official lists of grants furnished by Mr. Gautier, secretary of state of the Dominican Republic, that grant appears as annulled, while on another it figures as valid. It is clear from the evidence that efforts were made to divest Mr. Hatch and his company of that possession.

When Mr. Hatch had thus been arrested in 1868, Mr. Smith, our commercial agent, used his good offices for him, and Mr. Hatch was released on condition that he remain quiet. Mr. Hatch then resumed his business pursuits at Barahona. These occurrences are calculated to throw light on the treatment Mr. Hatch received in 1869.

Let us now return from this digression to the events which form the subject of this inquiry. We left Mr. Hatch in the hands of the military court at Azua. Mr. Hatch was sentenced to be shot. Immediately afterward he was pardoned on condition that he leave the country. This pardon was decreed by the Dominican senate, and published in the official gazette on the 4th of October, 1869. It was a full pardon, with no other condition but the one mentioned. The original pardon was not in evidence before the committee, but the testimony of Mr. Smith, our commercial agent, is conclusive on that point.

But Mr. Hatch was not released in accordance with that pardon. He was kept in prison at Azua until the middle of March, 1870.

WHY WAS MR. HATCH KEPT IN PRISON?

As to the reasons which induced the Dominican government to keep Mr. Hatch in prison for several months after he had been pardoned, the Dominican government itself has furnished clear and conclusive testimony.

While Mr. Hatch was held for trial, negotiations began between the government of the Dominican Republic and the government of the United States for the annexation of the Dominican Republic to the United States. General Babcock arrived as the agent of the government of the United States in San Domingo in July, 1869, remaining there several weeks, when a preliminary protocol was drafted and signed, and again in November, 1869, when the annexation treaty was concluded.

In spite of the urgent and repeated solicitations of our commercial agents, Mr. Smith, and subsequently Mr. Perry, Mr. Hatch was kept in prison, and the reasons which the Dominican government itself assigned for his continued incarceration, appear in an official note addressed by M. M. Gautier, Dominican secretary of state, to our commercial agent, dated February 19, 1870. Mr. Gautier says :

The repeated and urgent solicitations which you have made in favor of the said Hatch, united with the desire which my government has to please that of Washington, would have persuaded us to concede his passports at once, had it not been for the irreconcilable enmity with which he attacks the government in all of its acts through the newspapers and their agents, inventing calumnies *to divert the public mind against annexation to the United States*, which desire has been manifested so loudly and publicly by the people.

I desire that you will be good enough to assure his excellency the Secretary of State in Washington, that the prolonged sojourn of Mr. Hatch here has been only to prevent his hostile action in New York, assuring him at the same time that if this reason will not satisfy him, and that should he insist on his (Hatch) being permitted to go, the government, which has had *no other aim* than that of preventing falsehood and the misleading of public opinion in the United States, will be very glad to satisfy his wishes. (P. 101.)

It must be noted here that not a particle of evidence has been produced before the committee showing that Mr. Hatch had attacked the Dominican government in the newspapers after Baez's accession to power. All those articles were written while General Cabral was President. General Babcock speaks in his testimony of a Havana correspondence which was sent to the New York World after the liberation of Mr. Hatch, and which General Babcock considers inspired by Mr. Hatch on account of certain expressions occurring therein ; but the letter came evidently from the regular correspondent of the World, and was written months after the date of Mr. Gautier's note.

But Mr. Gautier's testimony does not stand alone. In a dispatch addressed by Admiral Poor to the Navy Department, March 12, 1870, we find an account of an interview the admiral had with President Baez. He says : "During this interview the subject of the imprisonment of Mr. Hatch, an American citizen, was introduced. The explanation for the continued incarceration of Mr. Hatch was his connection with parties and presses hostile to San Domingo, and *that he would* exert an influence there upon public opinion that would be very detrimental to the interests of San Domingo with regard to annexation." (P. 128.) This is the testimony of President Baez himself.

It is evident, therefore, beyond all possibility of doubt or cavil, that the *avowed* reason why the Dominican government kept Mr. Hatch, an American citizen, in prison, was the apprehension that if set at liberty *he might* exert an influence injurious to the scheme of annexing the Dominican Republic to the United States.

WHO SHARED THE RESPONSIBILITY FOR THIS OUTRAGE WITH THE DOMINICAN GOVERNMENT ?

Among the documents accompanying this report (p. 135) we find a letter addressed by Mr. William L. Cazneau to General Babcock, on

February 19, 1870, of which we shall have occasion to say more hereafter. In that letter, after having denounced Mr. Perry for his efforts to procure Mr. Hatch's release, and given an account of a conversation between President Baez, Mr. Perry and himself, Mr. Cazneau says:

This has not satisfied Major Perry, and he renews his demand for the instant release of Mr. Hatch, on the ground that his government had repeatedly instructed him to insist upon it. President Baez said to him, in my presence, that Hatch was indulging in threats against this government, and would certainly make use of his liberty to join the enemies of annexation; that Hatch, though closely watched, was not rigorously imprisoned; that a few weeks' restraint would not be so inconvenient to him as his slanderous statements might become to the success of General Grant's policy in the Antilles; and that Hatch, being a convicted criminal, whose final pardon had not yet been delivered to him, the Dominican executive had the right to consult the exigencies of the situation in detaining him for a time; but that a full explanation of these facts should be sent to President Grant, together with a statement that the United States commercial agent had exerted himself to have the pardon completed. Baez repeated these points to me, and Perry then turned upon me with the accusation that I am more Dominican than American, and that for personal reasons I was opposing the liberation of an innocent man, while I was obtaining pardons for murderers, meaning the poor American sailor whom the Dominican authorities commended to our sympathy. I replied, this was not true, and that I thought *President Baez had the right and ought to do everything in his power to serve and protect negotiations in which our President was so deeply interested.*

Major Perry's want of discretion and self-control was annoying; but it has not, and will not be suffered to check the proper shaping-out of the great business in hand, that is now in the high tide of success.

From this it is evident that Mr. Cazneau, himself an American citizen, did not only approve of Mr. Hatch's being kept in prison because he might injure the annexation scheme, but encouraged President Baez in this course, by declaring to Baez himself, that he *ought* to do so. To Mr. Cazneau's character and his confidential relations with General Babcock, we shall refer.

It is also alleged by Mr. Perry, the commercial agent of the United States, who was sent to San Domingo in November, 1870, to relieve Mr. Smith, recalled, that General Babcock expressed his opinion and used his influence in the same direction. Mr. Perry swears that previous to his departure for San Domingo in October last, in the course of a conversation at the Executive Mansion, General Babcock "told him of the circumstances of Mr. Hatch's case, and said that he (Perry) should not interfere in Hatch's behalf, on the ground that Hatch would work against annexation and was an enemy to Cazneau and his friends." (P. 24.)

Mr. Perry testifies further that, when he and General Babcock were together at San Domingo in November, 1870, "the day before the Albany left," he asked General Babcock "why it was that he could not get the release of Mr. Hatch; that he (Perry) had been promised that release several times, but that the Dominican government kept putting him off and that he did not like it; that General Babcock replied, he (Perry) had better not apply for Mr. Hatch's release, at any rate not until he (Babcock) had left the island, and that General Babcock gave the same reason he had given before, that Hatch would work against the treaty and was an enemy to that party," (Cazneau and friends.) (P. 25.)

Mr. Perry further testifies that on Decoration Day, the 30th of May last, he met General Babcock here in Washington, and that in the course of the conversation Babcock said: "It was a great pity that he (Perry) had had that man Hatch released; that it was a great mistake, and the President was very much displeased about it." (P. 25.)

Mr. Perry finally states that Mr. Cazneau and General Babcock, had informed him that Cazneau and Fabens had large interests on the island, and that Babcock and Ingalls had interests with them. (P. 104.)

These allegations having been denied by General Babcock, and the

testimony of Mr. Perry being represented by the majority of this committee as unworthy of belief, the undersigned desire to state their own opinion as to Mr. Perry's character, and the value of the testimony he produces, an opinion based upon the facts which appear in the evidence.

MR. RAYMOND H. PERRY.

Mr. Perry is still a young man, a member of a highly respected family in Rhode Island, and a relative of the illustrious commodore. When he was appointed commercial agent to San Domingo he had already a checkered career behind him. At the commencement of the late civil war he joined a three-months' regiment as a private, and afterward a Rhode Island battery as a lieutenant. He went through the peninsular campaign, acquired the reputation of a brave and efficient soldier, and was recommended for a commission in the regular army. Owing to a quick and impulsive temperament he involved himself in difficulties. He shot an officer who threatened his life in the discharge of his duty; was tried by court-martial for this act, and immediately acquitted. He had trouble with his immediate superior, resigned, and entered a New York regiment as a captain. We find him in charge of recruits on Biker's Island, New York, who, refusing to go on board the steamer which is to carry them off, rise in mutiny; they attack him with clubs and axes, but he subdues them, wounding many with pistol and sword. He is sent to New Orleans to take charge of a cavalry battalion, and serves through the Red River campaign. When on detached duty in New Orleans we find him involved in one of those innumerable horse and mule cases which occupied our courts-martial during the war, found guilty, sentenced to be dismissed, but restored to active duty, serving in the Mobile campaign, and honorably discharged after the close of the war.

But he does not return to the peaceful pursuits of civil life. Off he goes to Mexico to serve in the ranks of the republicans against Maximilian. Then we find him in 1866 and 1867 with General Sheridan on special duty in Louisiana and Texas, part of the time as chief of police at Galveston, finally resigning that position and returning to the North.

We recognize in him one of those restless, adventurous spirits who are the characteristic growth of a new country; a man delighting in a life of activity, excitement, and danger, made for military service in the field, for the frontier, and for the most arduous of police duties; a man of a hot and impulsive temper, prone to use force in a difficulty, impatient of the regular discipline of social life, brave, intrepid, and daring, of generous impulses, abhorring foul play.

We have no doubt the worst that can be said about Mr. Perry has been hunted up and can be found in the evidence accompanying this report, while, on the other hand, men who knew him long and well, as for instance General Clark, General Sheridan, and other officers under whom he served, testify warmly to his excellent qualities.

General Clark's testimony having been quoted by the majority of this committee as unfavorable to his repute, we deem it proper to give here the most material points of it:

Hon. WILLIAM T. CLARK sworn and examined.

By Mr. HOWARD:

Question. Are you a member of the House of Representatives?—Answer. Yes, sir; from Texas.

Q. Are you acquainted with Raymond H. Perry?—A. I am.

Q. Where did you know him?—A. I knew him first in Galveston, Texas.

Q. In what capacity?—A. He was there when I first met him, I think upon the staff of General Sheridan, then in command of the military district of Texas.

Q. Where did you know him again?—A. I knew him afterward in Galveston, Texas, where he was acting as chief of police of that city.

Q. Where next?—A. I next saw him some time in September last, when he came here with letters from General Sheridan, requesting some appointment under the government. The letter of General Sheridan indorsed him in the most emphatic manner as a very useful and energetic officer in any position to which he might be appointed.

Q. What can you say in regard to his general character for honesty and honor, truth and veracity?—A. Major Perry's reputation in the army was of this character: he is one of the boldest and bravest scouts ever employed in our service. All reports which he brought in of any engagement in which he might have been concerned, or any information which he was required to procure from the enemy, or on any account on which he sent, was always considered by his commanding officers as entirely reliable. It was this peculiarity, as I may say, that endeared him to his commanding officers, and finally secured him the place of chief of police of Galveston. When he was appointed chief of police, General Griffin telegraphed to General Sheridan asking for an officer to occupy that position. He immediately recommended Major Perry. General Griffin made this remark in my presence: "We will have somebody here now who will kill five or six of these fellows, and then they will behave themselves." In other words, I cannot describe the major's character better than to say he is made up of the most combustible materials in a fight; but I cannot commend his discretion or his judgment on occasions where such qualities are required.

Q. Has he been in the habit of acting as a spy or detective?—A. I think that is where his forte lies more than anything else, and that may have caused to grow up in him a sort of suspicious temperament which will lead him to go further than the facts would justify in the case of an investigation which he was called upon to make.

Q. What is he ordinarily as to color in his statement of facts—inclined to suspicion and exaggeration?—A. I am inclined to think that the major would overstate in a case that interested him personally. He might be inclined to overstate some little matter in which he may have been engaged. That is the only thing about him that I can speak of. I never have heard his character for truth and veracity disputed. At the same time his habits of life from youth up, his peculiarities, would lead the major, in my estimation, in making up his judgment or making up his report of a transaction, to carry his personal feelings further than the facts would really justify.

By Mr. SCHURZ:

Q. Mr. Clark, have you had much personal connection with Mr. Perry, much personal intercourse with him?—A. I know the major very well. I know his history; know his family; know where he was born and brought up.

Q. Do you think there is anything malicious in his character that would induce him to persecute a person without reason?—A. I should be sorry to believe that the major would ever persecute anybody. I do believe, however, that his temperament would bias him.

Q. Do you think him capable of downright lying for the purpose of getting anybody into trouble?—A. I do not believe that. From my knowledge of him I do not believe he would do that.

By Mr. VICKERS:

Q. Is he sternly and rigidly efficient in the discharge of his duty?—A. No doubt of that. Perhaps too much so on occasions.

By Mr. SCHURZ:

Q. Do you think he is an incorruptible man, or that he can be bought?—A. I do not like to answer that question. I do not know whether I am prepared to answer or not. I never have known anything of him that would lead me to believe that he could be bought for any sum of money.

Q. Have you ever heard anything of him which would induce you to believe that he could be bought with money?—A. Never a word.

It is proper, also, to refer to documentary evidence, showing in what estimation Mr. Perry was held by the officers under whom he served:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 31, 1864.

CAPTAIN: I take pleasure in bearing testimony to the invariably good conduct, both in camp and field, which you have shown since you have been in my command.

I have always found you prompt and energetic in the discharge of whatever duties

have been assigned you, as also gentlemanly and courteous in your personal bearing.

I have the honor to be, very respectfully, your obedient servant,

N. P. BANKS,
Major General, Commanding.

Captain RAYMOND H. PERRY,
Third Rhode Island Cavalry.

A true copy:

O. F. AVERY,
Captain and Judge Advocate.

OFFICE CHIEF OF ARTILLERY,
HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 30, 1864.

SIR: Reports having been circulated in Rhode Island, by evil-disposed persons, with a view of injuring your character as a gentleman and impairing the confidence of the executive of State, it affords me pleasure to bear testimony to your invaluable and highly creditable service during the Red River campaign, both in your regiment and on my staff. I have also met you from time to time in this city, and I have yet to know of anything to your discredit as a gentleman and officer.

Very respectfully, your most obedient,

RICHARD ARNOLD,
Brigadier General U. S. Volunteers.

Captain RAYMOND H. PERRY,
Third Rhode Island Cavalry.

A true copy:

O. F. AVERY,
Captain and Judge Advocate.

HEADQUARTERS FIFTH MILITARY DISTRICT,
New Orleans, La., August 7, 1867.

GENERAL: I take great pleasure in introducing Mr. Raymond H. Perry, the bearer of this letter. He has been employed by me as a special officer for some time. I have the highest esteem for his sobriety, honesty, and zeal, and am only willing to part with him from the belief that he may obtain a more advantageous situation. His services are almost indispensable to me, but I have advised him to accept the offer from Galveston.

I am, general, very respectfully, your obedient servant,

P. H. SHERIDAN,
Major General United States Army.

Brevet Major General CHARLES GRIFFIN,
Commanding District of Texas, Galveston, Texas.

STATE OF RHODE ISLAND EXECUTIVE DEPARTMENT,
Providence, February 11, 1868.

MY DEAR GENERAL: Please allow me to present to you my friend, Major Raymond H. Perry, who was an efficient and gallant officer during the late war, and has since done excellent service in the fifth military district, under General Sheridan, to whom he is well known. He is the son of Hon. James D. W. Perry, of this State, one of my oldest and best friends.

Any kindness shown him will be remembered.

Yours, very truly,

A. E. BURNSIDE.

General U. S. GRANT,
Commanding Armies United States.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, October 7, 1869.

SIR: The bearer, Major Raymond H. Perry, late of the volunteer army of the United States, desires the appointment of United States marshal for the western district of

Texas. In case of an existing vacancy in said position, I cordially recommend him for the place.

Major Perry served with credit during the war, and during the years 1865, 1866, and 1867 was with me in the South. For some time he was chief of police at Galveston, Texas, having been appointed by the late General Charles Griffin. He is an active, energetic, and fearless man, and one that can be relied upon to do his duty.

I am, sir, with great respect, your obedient servant,

P. H. SHERIDAN,
Lieutenant General.

His Excellency the PRESIDENT of the United States,
Washington, D. C.

In October, 1869, Mr. Perry applied for the appointment as United States marshal for the western district of Texas, a position for which his qualities admirably fitted him; but that place being filled, he was by one of those absurd freaks of chance, characteristic of our system of civil service, appointed commercial agent at San Domingo, a place with which diplomatic functions are connected, and which required just the opposite of the qualities he possessed.

He was conscious of this and expressed himself in that sense. But he was appointed and went on a mission full of perplexities to him. He went, as he says, "with everything involved in mystery." He relieved Mr. Smith, who, as he found reason to believe, had been removed because he was obnoxious to Baez, Cazneau, and their friends. General Babcock gave him letters of introduction to Mr. Cazneau and Mr. Fabens, at St. Domingo, whom, as Mr. Perry testifies, General Babcock recommended to his confidence as his friends. General Babcock denies this, but we shall show from General Babcock's own letters that Mr. Perry's statement is essentially correct.

On the steamer carrying him to San Domingo Mr. Perry meets Mr. Fabens, a speculator, who has large pecuniary interests on San Domingo, and takes a most lively interest in the annexation scheme. His conversations with Mr. Fabens produce a curious suspicion in his mind.

A few days after Mr. Perry's landing on the island Mr. Fabens tells him that General Babcock will arrive at a certain time, and Mr. Perry finds that Mr. Fabens is better informed than he is himself. General Babcock, accompanied by Generals Ingalls and Sackett, does arrive, and, before landing, desires at once to have Mr. Fabens brought on board the steamer. From General Babcock's hands Mr. Perry receives his instructions concerning the treaty to be made. He is also directed by the State Department to govern himself by the advice and instructions he will receive from General Babcock. He finds General Babcock in confidential relations with Fabens and Cazneau, and these two gentlemen are present in President Baez's room when the treaty is negotiated, taking part in the proceedings. He is startled by a proposition put forth by Mr. Cazneau to make two different treaties, one secret and one for the public. (See General Sackett's testimony, p. 51.)

The Hatch case comes up repeatedly, but Mr. Perry, asking for Mr. Hatch's release, can obtain neither satisfaction from Baez nor aid from Babcock.

The treaty concluded, General Babcock leaves. At first Mr. Perry, although noticing things calculated to awaken suspicion, contents himself with the idea that, in following the advice of Cazneau and friends, he is acting in the spirit of his instructions. He consents to do all that seems calculated to further the annexation scheme. Although he perceives that the vote of the Dominican people in favor of annexation is controlled by force and intimidation, he goes even so far as to permit Baez and Cazneau to dictate his dispatches concerning that subject.

But presently Mr. Perry's suspicions of foul play grow stronger. He resolves to tell his government the truth. He communicates his apprehensions to the Secretary of State and to General Babcock, at first in unofficial letters, and with timid reticence, so as not to injure any person connected with our government; but then, more and more strongly alarmed, he emphatically cautions the Secretary of State against the men who, in his opinion, endeavor to turn the annexation of the Dominican Republic into a speculation for their private advantage. He expresses the hope, in one of his letters to the State Department, that commissioners be sent to inquire into the state of affairs on the island. He receives two letters from Generals Babcock and Ingalls, almost identical in their terms, advising him to put nothing personal in his official correspondence, and to "write encouraging." (P. 195.) He is informed by members of the Dominican senate that an attempt is being made to defraud the United States by a large grant of public land to Mr. Cazneau, in contravention of the sixth article of the treaty. Eager to protect his government, and unacquainted with, or forgetful of, the usual ways of diplomatic intercourse, he addresses a note directly to the Dominican senate, protesting against such proceedings, and involves himself in an angry correspondence with the Dominican secretary of State. It is worthy of note that Mr. Fish, in a dispatch to Mr. Perry, while disapproving of his having addressed the senate directly, still approves of his effort to prevent the grant. In this way Mr. Perry, as Mr. Cazneau, the chief speculator, says in his letter of May 6th, "brings on a premature disclosure of facts that, for the public interest, should have been held strictly confidential for the present." (P. 91.)

The same Mr. Cazneau boasts in a letter to Mr. Perry that "no American has been more intimately acquainted with the Samana and annexation negotiations from their inception to their close" than he, (Cazneau,) and gives Mr. Perry to understand that he knows more of the policy of our government than its official representative.

Mr. Perry finds this man in continual correspondence with the Executive Mansion at Washington. He finds that by this very fact Mr. Cazneau wields a mysterious influence over President Baez, and that he uses that influence to obtain pardons for other criminals, but to keep Mr. Hatch in prison, after having been pardoned, in spite of his urgent official demands for his release. Thus he finds another pretended representative of the United States more powerful than he is in his official character. In reply to one of his demands for the release of Mr. Hatch, made in the name of the government of the United States, Mr. Gautier, the Dominican secretary of state, asks to have the case once more referred to Washington, as if there another opinion were entertained about the case; and, finally, the release of Mr. Hatch is obtained only in response to a peremptory demand, supported by a rear-admiral of the United States.

Thus Mr. Perry finds himself surrounded by influences mysterious and apparently more powerful than his official authority; and with such doubts, misgivings, and perplexities weighing upon his mind, he comes on leave to Washington. He is in favor of annexation, but opposed to corrupt jobs; he finds reason to believe that those in authority are in the dark as to many things they ought to know, and he resolves "to make a clean breast of it."

This is, in our opinion, the character and this the state of mind of the man as appearing from the evidence; and in this light his own testimony should be viewed. While involving himself in some apparent contradictions on points of minor importance, when under the confusing pres-

sure of a sharp and rapid cross-examination, yet his testimony is entirely consistent on the main questions and in most of its statement powerfully supported by undeniable circumstantial evidence. Nobody can read his testimony without coming to the conclusion that he meant to do his duty; that his very mistakes sprung from a desire to serve his government in the annexation policy; and that it is difficult to imagine any personal interest which could have induced him, by a hostile attitude, to offend and to make enemies of those whose influential position could so materially affect for the better or for the worse his individual fortunes. We believe, therefore, that his testimony is entitled to far more credit than the majority of this committee accord to it.

But it is by no means from the testimony of Mr. Perry alone, nor even mainly from Mr. Perry's testimony, that we have drawn those conclusions which we are going to lay before the Senate. We rely principally upon the documentary evidence and the testimony of General Babcock.

GENERAL ORVILLE E. BABCOCK.

General Babcock went to San Domingo as the confidential agent of the government, in July, 1869, accredited to President Baez by a formal letter from the President of the United States. While at San Domingo he was informed that an American citizen, Mr. Davis Hatch, had been arrested on suspicion of having done something to aid the Cabral party. General Babcock's attention was called to the case in the presence of President Baez by Mr. Smith, then commercial agent of the United States, who took a warm interest in Mr. Hatch. As to the manner in which General Babcock at first disposed of the case, we will give his own testimony:

After Mr. Smith went out, President Baez told me that Mr. Hatch had been arrested, and was then at Azua, on his way to San Domingo City, to be tried, and asked me about it, and I said: "Mr. President, you must be certain that you are right in the question of law, if you try Mr. Hatch for any such thing; if you have the proof positive that he has been attempting to overthrow your government, I do not suppose our government will in any way interfere in the case; but you must be very certain that your evidence is entirely correct." That is all the opinion or instruction I ever gave to him about it. Once or twice during the conversation he referred to Mr. Hatch, and to the part that Mr. Smith, in the interest of Mr. Hatch, had taken, and I invariably answered in that way, that if he had any charges against Mr. Hatch he must make them out in writing and send them to the State Department in Washington; that I had no authority to treat on any such case whatever. (P. 37.)

He did not inquire into the circumstances of the case himself, leaving that entirely to the discretion of the Dominican authorities. Mr. Smith spoke to him again about the arrest of Mr. Hatch. General Babcock testifies: "I know he (Consul Smith) asked me to interfere, or something of the kind, and I told him that the President (Baez) had informed me that Mr. Hatch had been assisting the Cabral party, and those charges had been preferred against him, and I told him he must forward all the charges to Washington in order to have any action of our government." (P. 38.)

But General Babcock did not wait for a formal statement of the charges to make up his mind that Mr. Hatch was guilty. He himself testifies that, when asked, a very short time afterward, to send a vessel to the place where Mr. Hatch was held captive, he said in reply, "that Mr. Hatch had been interfering with the rebellion in that country, and that I should have nothing to do with the case." (P. 142.) Thus we find that a mere unsupported statement made by the Dominican authorities, the very party complained of, was sufficient to convince

General Babcock of the guilt of an American citizen in prison and not yet tried.

General Babcock subsequently saw a report addressed by Commander Queen, of the United States ship *Tuscarora*, to the Navy Department, in which mention was made of Mr. Hatch. Commander Queen had been sent in pursuit of the *Telegrafo*, a little steamer commanded by Luperon, one of Cabral's partisans, operating against President Baez. The vessel was then suspected of having resorted to piratical practices, but afterward acquitted of that charge by a British prize court. That steamer was sold at Tortola. Commander Queen reports the event to the Navy Department, and in that report, dated September 11, occurs the following sentence: "The only paper which the vessel was enabled to exhibit at Tortola was a bill of health furnished by one Hatch, an American, at Barahona, a Dominican port, not a port of entry."

General Babcock saw this report at Washington after his return from San Domingo, and this occasional information, without any further inquiry, was considered by General Babcock sufficient proof that Mr. Hatch was "guilty." He had, in fact, pronounced him guilty before that on the mere statement of Dominican officials, but now his conviction was firm. We notice in General Babcock a strange determination to insist upon Mr. Hatch's "guilt" from the very beginning, and he pronounces him "guilty" on every possible occasion where any influence favorable to Mr. Hatch might have been exercised. He advises Mr. Perry of Mr. Hatch's guilt when Mr. Perry was about to leave for San Domingo, and he testifies as follows concerning his conversations with the President on that point:

Q. Had you yourself mentioned Mr. Hatch to the President?—A. I had.

Q. Had you stated to the President that Mr. Hatch ought not to be released?—A. I had given my opinion to the President that Mr. Hatch was guilty. (P. 118.)

And again:

Q. You did say that you had expressed to the President your opinion that Mr. Hatch was guilty?—A. I did; that he was guilty of what he was accused by those people.

Q. What led you to believe that Hatch was guilty?—A. The only thing that led me to believe it positively was the report of Captain Queen. The other matter was not in the form of proof.

It turns out, however, that the bill-of-health story, which to General Babcock was positive proof of a preconceived conviction, and the only proof, did not figure among the charges brought by the Dominican authorities against Mr. Hatch at all.

In November, 1869, General Babcock appeared again in San Domingo, in order to conclude the treaty of annexation. He was clothed with extraordinary powers. Not only was the commercial agent directed to be governed by General Babcock's advice and instructions with regard to the pending negotiations, but General Babcock was also empowered to dispose of the war vessels of the United States in those waters for the protection of the Dominican Republic against foreign interference. We refer to the orders he issued to naval officers, page 164.

The case of Mr. Hatch came again to his notice. Mr. Hatch had in the meantime been tried, sentenced to be shot, and pardoned on condition that he leave the island. But when General Babcock arrived, he had been over six weeks in prison after the publication of his pardon. Mr. Perry, whose arrival had preceded that of General Babcock a few days, had at once applied for the release of Mr. Hatch, and President Baez promised it to him, but the promise remained unfulfilled.

The testimony given by General Babcock as to the manner in which

the Hatch case then came to his notice is such as to show evasion and prevarication on its very face. We call the attention of the Senate to it:

By Mr. SCHURZ:

Q. When you arrived at San Domingo City the second time, Mr. Hatch's sentence had already been commuted to banishment, had it not?—A. I do not know. I never saw the record. I only know what may have been said in general conversation.

Q. Did you not have any conversation then with anybody at San Domingo City about Mr. Hatch?—A. I may have spoken with Mr. Perry two or three times. I remember that one day Mr. Perry showed me a letter purporting to come from Mr. Hatch, and for all I know it did come from him.

Q. Were you aware at that time that Mr. Hatch had passed through his trial; that he had been sentenced to death; and that the sentence had been commuted to banishment?—A. Only from general report. I had no record. Nothing had been furnished to me. I understood that to be the case, however.

Q. Did you know that he was still held in prison?—A. I understood that he was still in prison; that the pardon had not yet been given to him.

Q. Did you take any steps, or did you inquire at any government office, about the condition or situation in which Mr. Hatch then was?—A. I did not.

By the CHAIRMAN:

Q. Was there anything in your instructions that directed you to inquire as to the matter?—A. Nothing whatever on the subject in my instructions.

By Mr. WILLIAMS:

Q. I understand you to say that you believed all the time that he had taken part in the rebellion, and that the government of San Domingo had a right to punish him for that crime; that you were under that impression from the evidence you had, and acted upon that impression?—A. Yes, sir; and that I had no right myself to interfere in any way.

By Mr. SCHURZ:

Q. Where you aware at the time when you were at San Domingo City, on the second occasion, that Mr. Hatch was then, after his sentence had been commuted to banishment, illegally detained there?—A. I was not aware of any such thing; that is, I did not know what his sentence was, and did not know that he was illegally detained. I only knew that it was reported—I could not even say who told me—that he had been tried; that he had been sentenced to be hung or shot, I do not remember which; and that the sentence had been commuted to banishment, and that he was going to be sent away from the island.

Q. Did you never have any conversation with Mr. Perry on that subject?—A. I do not know how many times exactly, but two or three times during my stay there the subject of Mr. Hatch came up, and I always gave him the answer that I myself would have nothing to do with it; that I believed Mr. Hatch was guilty of joining the rebellion, and I was not going to have anything to do with the case.

Q. Did not Mr. Perry at that time give you information about the situation in which Mr. Hatch then was?—A. He showed me a letter that came from Mr. Hatch, as he said, in which Mr. Hatch stated that he was being confined at Azua, but it did not state that he was confined in prison. The impression that it conveyed was that he was under duress.

Q. The point of my question is this, whether Mr. Perry did or did not at the time inform you that Mr. Hatch, after having his sentence commuted to banishment from the island, was still kept in prison at that time?—A. Mr. Perry gave me, if any information at all, nothing more than common report. He gave me no record. He showed me no record, or any evidence whatever, to show that Hatch had been even tried, nor that he had had any sentence passed on him, nor that he was in any way confined.

Q. Did he not give you information to that effect?—A. I am not aware that he gave me any positive information about that.

By Mr. FERRY:

Q. Did you want to see a regular written official record before you would interfere in behalf of an American citizen?—A. I did not ask for any matter at all.

Q. Why do you dilate on his not showing you a record so much?—A. I do not dilate on it.

Q. You have already several times repeated that he showed you no record?—A. I am not aware that I have said so but once.

By Mr. SCHURZ:

Q. If the information Mr. Perry gave you on that point was not of such a character,

what were your conversations touching Mr. Hatch about at all?—A. The conversations in reference to Mr. Hatch, in reference to his having been connected with this rebellion?

Q. No, in reference to the situation he was then in, his sentence having been commuted to banishment and he still being illegally detained there.—A. I do not know that I was ever informed by Mr. Perry that that was the case. Mr. Perry may have said so, but I know I heard that in common conversation. I had, however, no evidence whatever that that was the case.

Q. If you do not remember that, do you remember at all what the conversation touching Mr. Hatch was about?—A. It was the question of his being in confinement on the island, having been tried, as common report went, and having been sentenced to be executed, and that punishment having been commuted to banishment, that he was still in confinement there; but I do not know what the nature of the commutation was, whether he was to be banished at a certain time, or anything about it.

That General Babcock, who, in reply to the first question, pretended to have known nothing definite about Mr. Hatch's situation, knew all, is clear from the fact admitted by him that he saw a letter from Mr. Hatch to Mr. Perry, and that letter contained Mr. Hatch's whole story, as we know from other parts of the evidence.

So far, then, according to General Babcock's own showing, independently of Mr. Perry's testimony, the case stands thus:

General Babcock, an officer of the United States, invested with extraordinary authority, is sent to San Domingo to conclude a treaty of annexation. He is empowered to extend to the government of the Dominican Republic the protection of our government while that treaty is waiting for its final consummation; in fact, that protection is made visible and effective by the presence of war vessels of the United States, whose guns are at the command of General Babcock. The relations he thus establishes with the Dominican government are of such a character as to render the refusal on their part of any legitimate demand coming from him almost impossible as a matter of courtesy, and entirely impossible as a matter of interest. That officer finds an American citizen there who, after having been tried and pardoned, is still held in prison by the same government which lives under the protection of American guns, and whose territory it is proposed to pass under the American flag. And under such circumstances that officer declares that "he will have nothing to do" with the American citizen so held in prison. He declines to speak a word for the American citizen thus outraged, and goes even so far in his neglect of the interests of his unfortunate countryman as to omit all inquiry concerning the reasons for which he is held captive, while a few minutes' investigation would have convinced him that the only thing which he considered proof of that captive's guilt did not exist on record, and that the trial, sentence, and continued incarceration after pardon were a barbarous outrage from beginning to end.

This conduct, which appears from General Babcock's own testimony, is so extraordinary, so unsoldierlike, so utterly un-American, so unnatural, that we are compelled to inquire into the influences and circumstances which may explain it.

General Babcock states that he had reasons to believe that Hatch would be released any day, since President Baez had promised it to Mr. Perry, whereupon he took no further interest in the matter.

It is significant that when General Babcock was first examined by the committee, he did not remember at all this circumstance, which he afterward repeatedly urged in his defense. It was evidently an afterthought. Moreover, General Babcock was there fifteen days. General Baez had promised Mr. Perry the release of Mr. Hatch before General Babcock's arrival at San Domingo. During the fifteen days the promise was not fulfilled, and it was this very circumstance which led to the two or three conversations on the Hatch case, which General Babcock admits, and in the

course of which he always "declared that he would have nothing to do with the matter."

There was no external obstacle in the way of the instant release of Mr. Hatch. The distance from San Domingo to Azua being only one hundred miles, one night's ride by steamer from the one point to the other, as the testimony shows. That President Baez was willfully violating his promise was therefore evident to all, and General Babcock's excuse falls to the ground.

It is also said in extenuation, that General Babcock did actually consider Mr. Hatch guilty, and that the instructions he had received from the President and the Secretary of State did not contemplate his interference in behalf of individuals. Flimsy as these excuses must appear at first sight, General Babcock's own conduct proves that these things cannot have prevented him from lending his aid to Mr. Hatch. While declining to intercede for this American citizen, whom he himself admits to be a gentleman of most respectable character and standing, he *did* intercede for a sailor, a late confederate soldier, who, while in a Dominican port, had murdered a fellow-seaman, and of whose guilt there was confessedly no doubt. He went even so far as to draw up a petition for that criminal with his own hand, (p. 113,) and it is not pretended that his instructions from the President or the Secretary of State had any reference to the case of that assassin.

It is, indeed, asserted that a suggestion from the Dominican chief justice, through Mr. Cazneau, induced General Babcock to aid the murderer; but it is difficult to understand how his feelings of honor as an American officer, and even as the representative of the President of the United States, could have failed to speak louder than the voice of a Dominican official when the rights and liberty of an American citizen were at stake, charged with no infamous crime.

Besides, General Babcock had shown in other things a strong disposition to construe his instructions and powers very liberally. He took an active interest in the pursuit of the steamer *Telegrafo*, while his instructions were entirely silent on that subject. But more than that. He signed the preliminary protocol of a treaty, in which he introduced himself in the official capacity of an "aide-de-camp to the President of the United States, and his special agent," and in the first article of which he explicitly pledges the President of the United States "privately, to use all his influence, in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment; and to make no communication to that body until he shall be certain that it will be approved by a majority," (p. 188.)

That an "aide de-camp and special agent" should pledge the President of the United States to such a proceeding, is a thing so utterly unprecedented in the history of this republic, that it cannot, even by the most hazardous stretch of fancy, be imagined to have been foreseen in the confidential verbal directions given to General Babcock, while his written instructions empowered him only to gather information, and not to enter into any agreement at all.

It appears, therefore, utterly preposterous to assume that an officer capable of going so far beyond his instructions as to seriously compromise the name of the President, should have been prevented by any feeling of delicacy as to his instructions from interceding in behalf of an American citizen of high character, held in duress after having been pardoned.

We must, therefore, look for the key to his conduct elsewhere.

CAZNEAU AND FABENS.

We find General Babcock in very friendly relations with Mr. William L. Cazneau, an American citizen living at San Domingo. When General Babcock was there the first time, Mr. Cazneau interpreted for him, and since then, the two carried on a continual correspondence. Who is Mr. Cazneau? Mr. Smith, our late commercial agent at San Domingo, and Mr. Perry testify that his reputation in San Domingo is bad. He came to San Domingo from Eagle Pass in Texas, was in sympathy with the rebellion during the civil war, and it is reported that he induced by false representations a number of Americans to come to San Domingo and to settle upon lands owned by him, most of whom miserably perished. According to General Babcock's testimony, Mr. Hamilton Fish, the Secretary of State, also had an unfavorable opinion of him, for General Babcock admits that, when he was about to start for San Domingo, Mr. Fish cautioned him against Mr. Cazneau.

The only testimony before the committee favorable to Mr. Cazneau is that of Mr. Fabens. Mr. Fabens himself, as the evidence shows, is an American citizen, a speculator without any regular business, and largely interested with Mr. Cazneau in grants and concessions on San Domingo. One of these grants alone comprises one-fifth of all the public lands of that country. Aside from this, Mr. Fabens appears in 1868 as an agent of our government sent to inquire into the financial condition of San Domingo, and after a sojourn of two or three days at the capital of that republic, he came back reporting the whole public debt of that government to be a little over six hundred thousand dollars; then we find him as a private diplomatist working for the annexation scheme; then as the agent of Spofford, Tileston & Co., in New York, who have a steamship concession from the Dominican government, and are the agents of the Hartmont loan; then as a "friend" of President Baez at the negotiation of the annexation treaty; then as the minister resident of the Dominican Republic near the government of the United States; and, finally, as a witness before our committee. He was not sworn, and gave his testimony with the reservation that he be permitted to hold back "state secrets."

This gentleman testifies that Mr. Cazneau is a loyal man, that he was in very friendly relations with some of the leaders of the rebellion, and thought the South had been aggrieved, but a good Union man for all that; moreover, that Mr. Cazneau is a most honorable and respectable man, who carries on speculations from "strictly patriotic" motives. The undersigned have no doubt that, should occasion offer, Mr. Cazneau would say the same thing of Mr. Fabens.

GENERAL BABCOCK AND CAZNEAU.

Mr. Perry testifies that General Babcock told him to stand by Cazneau and Fabens, and that he had interests with them. (P. 104.) General Babcock denies this. He says that Mr. Fish, Secretary of State, had spoken to him unfavorably about Mr. Cazneau, and that he, Babcock, mentioned this to Perry, without, however, cautioning him against Cazneau. He told him on the contrary, he had never seen anything improper in Cazneau, (Babcock's testimony, page 147.) Upon this matter General Babcock's letters throw clearer light than his testimony. We have a letter from General Babcock to Mr. Perry, dated, Executive Mansion, October 23, 1869, (page 202,) in which General Babcock says: "I send you, also,

a letter to my friend General W. L. Cazneau, whom you will be pleased to know."

More significant is another letter from General Babcock to Mr. Cazneau, dated March 30, 1870, in which the general expresses his regret at a difficulty between Cazneau and Perry, and says: "General Cazneau told me in a letter that he regretted that he had had a difficulty with you. * * * You will remember what I told you when I gave you a letter of introduction to him, and I have yet to know personally of any act of bad faith on his part. * * * *You will remember that I had to write through General Cazneau when Smith was consul.*"

What Mr. Perry thinks he remembers, may be gathered from his testimony; but the letter itself reveals two significant facts. There had, indeed, been a conversation about Cazneau when Babcock gave Perry a letter of introduction; but is it possible to form from the context of this letter any other conclusion than that Babcock had spoken most favorably of Cazneau? The other fact is, that while Smith was commercial agent, General Babcock carried on his correspondence, not through the officer of the United States, but through Cazneau. Can any stronger mark of confidential relations be given? And the words "you will remember" signify, without doubt, that General Babcock had designated Mr. Cazneau to Mr. Perry as his confidential friend. It is evident from these circumstances, that on this point, Mr. Perry's and not General Babcock's testimony, is substantially correct.

What is the attitude of General Babcock's confidential friend and correspondent at San Domingo, Mr. Cazneau, with relation to Mr. Hatch? We have already quoted Cazneau's letter to Babcock in which he denounces Perry for his unseasonable efforts in behalf of Mr. Hatch, and relates how he, Cazneau, in the presence of Baez, has declared it to be not only the right, but the duty of President Baez to detain Hatch so as to prevent injury to the annexation scheme. And this he writes to General Babcock, not in the tone of apology, but of reflection on Perry.

We have already seen that General Babcock, when asked to interfere in favor of Mr. Hatch, and whenever the conversation with other officers turned upon the subject, confesses to have had but one answer: "I will have nothing to do with it. Mr. Hatch is guilty."

The following is part of Mr. Smith's testimony. (P. 165.) It refers to Babcock's first visit to San Domingo:

Question. Do you know whether General Babcock carried any dispatch from the Baez government in relation to Mr. Hatch?—Answer. I heard so.

Q. From whom did you hear it?—A. From Captain Queen.

Q. What did Captain Queen tell you?—A. The Tuscarora and the Tybee sailed the same afternoon. They left the harbor together, and three weeks afterward Captain Queen returned. The first words he said to me on meeting me were, "You need not give yourself any more trouble about that man, for General Babcock has carried the proof of his guilt in black and white."

Q. Whom did he mean, Hatch?—A. Mr. Hatch. I said to him "How do you know it?" Said he, "We were outside the port and General Babcock signified his wish to communicate to me," and Captain Queen told me, in the presence of my son, that he got that information from General Babcock.

General Babcock denies having carried any papers to Washington. But that does not disprove Mr. Smith's statement, which shows the impression produced upon Captain Queen's mind by his conversation with General Babcock.

Mr. Perry testifies as follows, (p. 24:)

Q. And you had heard of Mr. Hatch's case before you went out, or on your way out.—A. Yes, sir.

Q. Which was it, before you went out, or on your way out, that you heard of his case?—A. General Babcock first spoke of his case at the Executive Mansion, before I started from here.

Q. What did he say to you about his case?—A. He told me the circumstances of his case, and that he would rather I should not intercede in his behalf; and he also told me the same thing in San Domingo.

Q. What reason did Babcock give for you not interceding?—A. He argued the same that Baez and his party did, that Hatch would work against annexation, and that he was an enemy to Cazneau and his friends.

Q. That was before you got to San Domingo?—A. That was before I sailed on the steamer.

General Babcock denies having advised Perry, before his departure, not to intercede for Mr. Hatch; but he admits having told him that he considered Mr. Hatch guilty, and that he did not wish to have anything to do with it, (p. 42.) It will hardly be denied that the expressions admitted by General Babcock very closely resemble an advice. They were evidently calculated rather to discourage than to stimulate Mr. Perry's desire to do something for his imprisoned fellow-citizen.

Mr. Perry again testifies as to what occurred at San Domingo:

Q. While you were there did you have interviews or conversations with General Babcock in relation to Mr. Hatch's case after you had informed yourself about it?—A. Yes, sir; I asked General Babcock, the day before the Albany left, why it was that I could not get the release of Mr. Hatch; that I had been promised his release a great many times, but they kept putting me off, time after time, and I did not like it. He told me I had better not apply for his release; at any rate not to do so until after he had left the island.

Q. What reason did he give?—A. He gave the same reason he had given before, that Hatch would work against the treaty, and was an enemy to that party.

General Babcock denies this also; but there is a series of documents throwing some light upon what happened during General Babcock's second visit at San Domingo.

On January 27, 1870, Mr. Hatch addressed a letter to Captain Bunce, commanding the United States Steamer Nantasket, then at Azua, asking for the captain's interference. In the reply of Captain Bunce, February 1, occurs the following passage:

SIR: I am in receipt of your letter of the 27th ultimo, and at once called upon the attorney general for an explanation of your case.

He informs me that you were found guilty of conspiracies against the government, and that your case had been considered by the representatives of the State Department of the United States; that I can ascertain from the commercial agent, Mr. Perry, at San Domingo, all particulars, and the action taken by him and the United States commissioners in the affair during their last visit to the island.

From this letter it appears that, according to the statement of the Dominican attorney general, Delmonte, Mr. Hatch's case had been considered by the representatives of the State Department of the United States, and reference is made to *the action of the United States commissioners during their last visit to the island*. Who were "the United States commissioners?" There could be no others but General Babcock and party. What "action" had they taken with regard to Mr. Hatch? Mr. Perry is referred to, and he testifies that General Babcock advised him not to interfere for Hatch.

The statement of Mr. Delmonte indicates clearly that in Dominican government circles the impression was current that "the United States commissioners" did not mean to have Mr. Hatch released. In fact, only a short time after the date of Captain Bunce's letter, Mr. Gautier, Dominican secretary of state, in reply to a demand of Mr. Perry for the release of Mr. Hatch, wrote that Mr. Hatch was kept in prison for the reason of his liberation being considered injurious to the annexation business; and then Mr. Gautier requested Mr. Perry to refer the matter once more to the government at Washington, as if he had reason to expect from there a decision different from Mr. Perry's demand.

The matter was indeed referred to Washington by Mr. Cazneau, in a letter addressed to General Babcock. That letter bears even date with

Mr. Gautier's note to Perry, February 19. There was concert between the two, for Mr. Cazneau, in a postscript, says: "I have seen the letter Gautier is addressing our commercial agent on the Hatch affair, and it seems to me just and explicit." Perry had refused to squander two months in referring the Hatch affair back to Washington, but Cazneau turned to Babcock.

We have already quoted from that remarkable letter, but we have not yet expressed our opinion about it. It was the same letter in which Mr. Cazneau related how he, in Baez's presence, had declared that it was not only the Dominican President's right but his duty to keep an American citizen in prison, if that citizen might exercise an influence injurious to the annexation scheme.

Considering that Cazneau himself is an American citizen, we do not hesitate to designate the sentiment he declared and the influence he used there to keep a fellow-countryman in prison for such reasons as simply infamous and detestable. But Mr. Cazneau had thought it safe to lay those things before General Babcock.

General Babcock communicated that letter to the President, and, according to General Babcock's own testimony, the President directed him at once to discontinue his correspondence with Cazneau. General Babcock, indeed, did not reply to Cazneau. But, referring to Cazneau's letter, he wrote a letter to Mr. Perry. Did he condemn Mr. Cazneau's atrocious sentiments? Did he express his approval of Perry's firm demand for the release of Hatch? We have already quoted that letter from General Babcock to Perry also. It is the same in which he expressed his regret at the differences that sprang up between Cazneau and Perry, tries to smother them over, and says: "You will remember what I told you, when I gave you the letter of introduction, (to Cazneau,) and I have yet to know personally of any act of bad faith on his part. * * * You will remember that I had to write through Mr. Cazneau when Smith was consul." * * * (P. 108.) General Babcock was evidently not struck by Cazneau's infamous conduct with regard to Mr. Hatch as an act of bad faith. Even after all this he points him out to Perry as his confidential friend.

Equally significant is the conversation which took place between General Babcock and Mr. Perry on the 30th of May last.

Mr. Perry testifies as follows:

Q. After your return to Washington, did you have any conversation with General Babcock about the release of Mr. Hatch?—A. Yes, sir.

Q. When and where was that?—A. It was the morning of the floral gathering at Arlington, on Decoration Day. I met General Babcock on that morning at 10 o'clock, or a little after 10. We were speaking about one matter or another, about San Domingo, and he said that it was a great pity that I had had that man Hatch released. I told him that I had direct orders from the State Department to secure his release. Then he said I could not help it, having received those orders; but it was a mistake, and that the President was very much displeased about it.

When General Babcock was the first time before the committee, he made about this point the following statement:

I asked him if he had a positive order for the release of Mr. Hatch, and he said that he had. I told him that the reason I asked him was that there had been a question whether the Secretary of State had demanded the release of Mr. Hatch without the order of the President, and I wanted to know whether there had been a positive order sent down for the release of Mr. Hatch; I mean that that was my object in asking. I told him that the demand went without the knowledge of the President, which I believe is a fact. As to expressing any regret that Mr. Hatch was released, I did not do it.

But when General Babcock was examined the second time, he testified as follows:

Q. What did you do with that letter—Cazneau's?—A. I told the President of the

receipt of the letter. It was received here in March. I think the Secretary of State was there at the time, and he informed me that an order had gone for the release of the man, and I paid no further attention to it, because the thing was ended.

By Mr. SCHURZ :

Q. The Secretary of State told you that?—A. I think it was some one connected with the State Department; I believe the Secretary.

By Mr. HOWARD :

Q. Do you know when Hatch was actually released?—A. I do not know myself. This letter arrived about the first of March.

By Mr. SCHURZ :

Q. You say that you were in the office of the President with the letter, and the Secretary of State was there?—A. I say I think that was the way it came up.

Q. And you were informed there, in the presence of the President, that the order for the release of Mr. Hatch had gone?—A. I do not know that I was talking with the President. I do not remember exactly about it, but I know that was the first information I had; in speaking of it I received the information that an order had gone for the release of Mr. Hatch.

Q. You testified before, that on the 30th of May, you told Mr. Perry that the President had expressed his surprise at the order having gone?—A. Yes, sir. I do not say that I said this to the President, nor that the information was given to the President, that an order had gone for Hatch's release.

These two statements are glaringly inconsistent with each other. The latter proves conclusively that General Babcock's account of his conversation with Mr. Perry on May 30 cannot have been correct.

If the Secretary of State some time in March stated, in the presence of the President and General Babcock, that an order had gone for the release of Mr. Hatch, then it is impossible that General Babcock, on the 30th of May, should have asked Mr. Perry whether such an order had gone—and that too for the reason that the President, in whose presence the Secretary of State had said that he had sent the order, expressed his surprise at such an order having been sent so long after that time, that General Babcock should, on the 30th of May, ask a question to ascertain the fact. It is not imaginable that the Secretary of State should, in the presence of the President, have communicated information of that character to General Babcock without communicating it also to the President.

General Babcock's account of his conversation with Mr. Perry on the 30th of May is therefore utterly incredible. It has in every respect the appearance of a subterfuge, resorted to in the face of an embarrassing question.

We have already called attention to General Babcock's own admission, that when he spoke to the President on the Hatch case he always reiterated that Mr. Hatch was "guilty." It is evident that he tried to convey impressions to the President's mind unfavorable to Mr. Hatch.

But the President having been informed in March of the sending the order for the immediate release of Mr. Hatch, and having at the same time directed General Babcock to discontinue his correspondence with Cazneau, we are forced to the conclusion that the President did not, at a subsequent period, express surprise and displeasure at the order having gone; that the displeasure was General Babcock's own; and that he used the President's name only with that unbecoming freedom with which he had previously used it in the protocol preliminary to the treaty. Neither can we from General Babcock's own admission avoid the conclusion that all the influence he used with regard to the Hatch case was invariably directed against the incarcerated man, while the circumstantial evidence leaves but little room for doubt as to the correctness of Mr. Perry's statements on this subject.

The following points we consider clearly established by the evidence before us:

1. Mr. Davis Hatch, an American citizen of irreproachable character, was arrested by the Dominican authorities on the charge of having aided a party of revolutionists. He was tried by a military commission and sentenced to be shot. The record of the trial shows that the whole proceeding was a barbarous farce.

2. Mr. Hatch was pardoned on condition that he leave the country by a decree of the Dominican senate, officially published October 4, 1869.

3. Mr. Hatch was, in spite of that decree, kept in prison until the middle of March, 1870.

4. President Baez and his secretary of state Gautier, the latter in an official note addressed to the representative of the United States, stated as the reason for Mr. Hatch's continued incarceration after the decree of pardon, that it was feared he would injure the annexation scheme if set free.

5. The two commercial agents of the United States, Mr. Smith and Mr. Perry, used every means in their power to procure the release of Mr. Hatch.

6. General Babcock, sent to San Domingo as the special agent of this government, and having authority to give direction to the war vessels of the United States in Dominican waters for the protection of the Baez government against foreign interference, not only declined to speak a single word in favor of the release of Mr. Hatch, but also discouraged others from doing so. Whatever influence he exerted was against Mr. Hatch's release.

The circumstantial evidence points much further, but we desire to express no opinions about General Babcock except such as are based upon his own testimony and letters. We cannot refrain, however, from designating his confidential relations with Mr. Cazneau as most suspicious.

We ought to add that General Babcock states that he understood Mr. Hatch to be in favor of annexation. This appears to be so from Mr. Hatch's own letters, although it is doubtful whether General Babcock knew it until very recently. If this was understood at San Domingo also, the only explanation suggesting itself of the efforts made by Cazneau, Baez, and friends, to detain Mr. Hatch in prison, is that Mr. Hatch might, if at liberty, have interfered with "jobs" in connection with the treaty.

The resolution of the Senate limiting this investigation to the case of Mr. Hatch, the undersigned refrained from pushing it beyond its legitimate scope, except when following up questions put by other members of the committee.

As to the matter of transactions of a corrupt nature connected with the annexation scheme the committee acquired only incidental information. The evidence shows that a grant of land was offered by President Baez to General Babcock in the presence of a number of persons in consideration of the "great kindness" shown him by General Babcock by the pursuit of the *Telegrafo* and the removal of Consul Smith, and that General Babcock declined, saying "it would ruin the treaty." (P. 49.) Mr. Perry testifies that he was informed by Cazneau, as well as Babcock, that Cazneau and Fabens had great interests on the island, and that General Babcock and General Ingalls had interests with them, which is denied by Babcock and Ingalls. This is all the evidence on that point, and the investigation, being instituted for the purpose of inquiring into the case of Mr. Hatch, did not go further.

There is no evidence outside of Mr. Hatch's own statements showing

the amount of the damage and losses he suffered by President Baez's troops, and in consequence of his long imprisonment. It is indeed stated that his family, during his incarceration at Azua, were compelled to sell their homestead at Norwalk, Connecticut, at a heavy sacrifice. In consideration of the treatment he received at the hands of the Dominican government we believe, however, that Mr. Hatch is entitled to liberal compensation.

We cannot close this report without declaring our most emphatic dissent from the position taken by the majority, that the imprisonment of an American citizen abroad or at home, on the ground that he might exercise an influence this or that way with regard to a question of public interest, can be justified or excused under any circumstances. We reject it as a doctrine utterly repugnant to free institutions and unprecedented in the history of this republic.

We desire also to designate the insinuations contained in the majority report, that this investigation was instituted for the purposes of assailing the executive branch of the government, as uncalled for and frivolous. We should be sorry to think that the Executive would construe as an attack a fair investigation into the conduct of its agents.

C. SCHURZ.

O. S. FERRY.

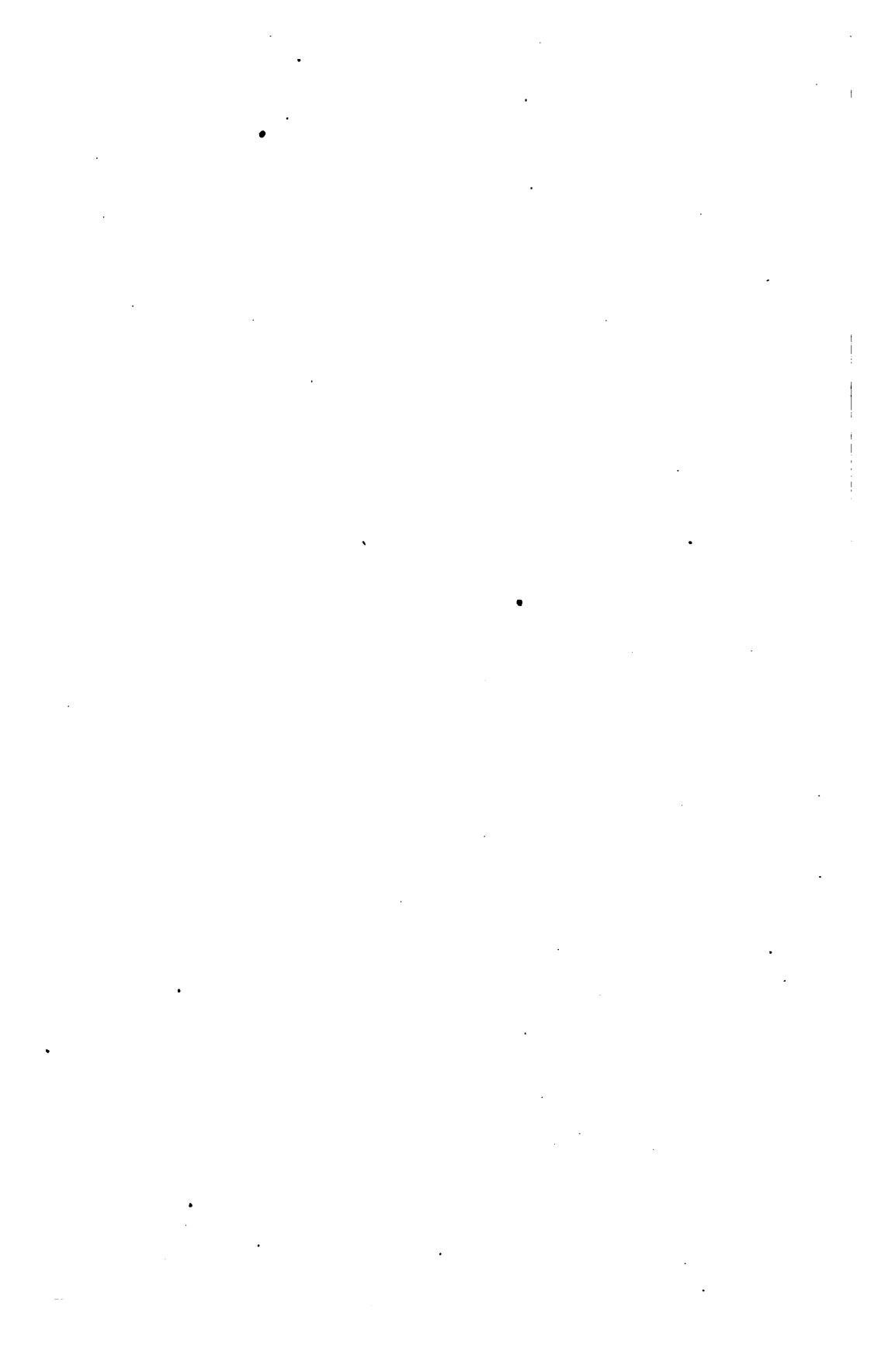
GEORGE VICKERS.

Joint Resolution introduced by Mr. Schurz, to accompany the views of the minority.

JOINT RESOLUTION relative to the complaints of Davis Hatch against the Dominican Republic.

Whereas Davis Hatch, an American citizen, was unjustly imprisoned by the government of the Dominican Republic for a considerable period of time, and, in consequence of such imprisonment, was subjected to great inconvenience, suffering, and pecuniary loss; and whereas the treatment Davis Hatch received, as this government is officially informed by Mr. M. M. Gautier, secretary of state of the Dominican Republic, was owing to the apprehension entertained by the Dominican government that Davis Hatch, if set at liberty, would exercise an injurious influence with regard to the treaty annexing the Dominican Republic to the United States; and whereas this constitutes a gross outrage on Mr. Hatch and an indignity to this republic: Therefore,

Be it resolved, That the President be requested to demand of the government of the Dominican Republic full reparation for the sufferings and losses of Davis Hatch as aforesaid.



TESTIMONY.

Message of the President of the United States, communicating, in compliance with a resolution of the Senate of February 21, 1870, correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican government.

To the Senate of the United States :

In answer to the resolution of the Senate of the 21st instant, directing the Secretary of State to furnish the Senate with copies of all correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican government, I transmit a report of the Secretary of State upon the subject.

U. S. GRANT.

WASHINGTON, February 24, 1870.

WASHINGTON, February 24, 1870.

The Secretary of State has received a resolution of the Senate, of the 21st instant, directing him to furnish the Senate with copies of all correspondence relating to the imprisonment of Mr. Davis Hatch by the Dominican government, and has the honor to lay before the President the papers upon the subject mentioned in the subjoined list.

HAMILTON FISH.

The PRESIDENT.

List of accompanying papers.

Mr. Smith to Mr. Fish, September 4, 1869.
Mr. Smith to Mr. Fish, September 9, 1869.
Mr. Smith to Mr. Fish, October 8, 1869.
Mr. Davis to Mr. Smith, November 15, 1869.
Mr. Perry to Mr. Fish, November 16, 1869.
Mr. Ferry to Mr. Fish, December 31, 1869.
Mr. Hatch to Mr. Ferry, December 30, 1869.
Mr. Hatch to Mr. Fish, December 30, 1869.
Mr. Fish to Mr. Ferry, January 3, 1870.
Mr. Ferry to Mr. Fish, January 11, 1870.
Mr. Hatch to Mr. Ferry, December 21, 1869.
Mr. Fish to Mr. Ferry, January 12, 1870.
Mr. Fish to Mr. Perry, January 12, 1870.
Mr. Ferry to Mr. Fish, February 2, 1870.
Mr. Fish to Mr. Ferry, February 2, 1870.
Mr. Perry to Mr. Fish, February 8, 1870.
Mr. Perry to Mr. Gautier, February 5, 1870.
Mr. Gautier to Mr. Perry, February 8, 1870.
A communication from Mr. Felix M. Delmonte, February 8, 1870.

Mr. Smith to Mr. Fish.

SAN DOMINGO CITY, September 4, 1869.

SIR: I consider it my duty to bring to the knowledge of the department the critical situation of Mr. Davis Hatch, a citizen of the United States, who, it is reported, is under arrest at Barahona.

Mr. Hatch came to this country as the agent of a company consisting of Mr. Augustus Schell, and other men of standing in the city of New York, for the purpose of working the salt mountain of "Neyba" and making a railroad to Barahona to facilitate the shipment of the salt. Mr. Hatch obtained the concession from the Spanish government, which was confirmed by the Cabral administration. When Mr. Baez returned to power he sent for Mr. Hatch, as there had previously existed an unfriendly feeling. Mr. Hatch was brought by force on board a man-of-war to this capital, but on my representation the difficulty between himself and the President was arranged amicably, and Mr. Hatch was allowed to return to Barahona. Some time since Barahona was taken by the revolutionary party, and they held it some months; it was retaken some three weeks ago, and it was rumored that

Mr. Hatch had been arrested. I called at once on President Baez, who confirmed the rumor, and said, that charges had been preferred against him, and at my request I was promised a copy of said charges as soon as received by the government. Some two weeks having elapsed without my hearing further I called, on the 29th of August, again on the President, and he informed me that he had given orders to send up Mr. Hatch to this city; but as he has not yet arrived, I feel great anxiety as to his actual position.

Mr. Hatch is a highly respectable gentleman, and as I have not heard from him for over four months, notwithstanding that Barahona is within twelve hours' sail of this city, I deem it my imperative duty to report the affair for the consideration of my government.

Mr. Smith to Mr. Fish.

SAN DOMINGO, September 9, 1869.

SIR: In my dispatch No. 93 I have the honor to inform you of the arrest of Mr. Davis Hatch at Barahona. I have since received a letter from Mr. Hatch, dated Azua, September 3, apprising me that he left Barahona by order of the government, on the 28th August, under a general order for the evacuation of the town, and arrived at Azua by sea on the 29th, and on landing was taken in charge by three dragoons, and escorted, through a drenching rain, to the town, some three miles from the landing, and was placed in the comandancia, where he remained throughout the night in his wet clothes. On the following day, he requested to have an interview with the commanding general, Ramirez, a half-brother of the President, as he was sure he could satisfy him of his being innocent of any complicity in the affairs of the government; he received a message from the general that he only wanted to take some declarations, which would be done shortly, after which, he, Mr. Hatch, could return on board the vessel and proceed to this city.

Up to the time of writing me, on the 3d, Mr. Hatch had not heard anything further from General Ramirez; and being fearful that, from what was taking place, he might be thrown in prison on his arrival here, he begged me to take some steps to guard against such an outrage. On reception of the letter I immediately visited the President, and conversed the matter over. He informed me that a process had been instituted against Mr. Hatch at Azua, and that as soon as the proceedings were completed I should be furnished with a copy of the same, and that Mr. Hatch would be brought here; and that if the charges were not of a serious nature, he would not be deprived of his liberty.

I cannot communicate anything further until I see Mr. Hatch, and am acquainted with the accusations on which he has been arrested.

Mr. Smith to Mr. Fish.

SAN DOMINGO CITY, October 8, 1869.

SIR: In my dispatch No. 94 I informed the department of the arrest of Mr. Davis Hatch, a citizen of the United States, at Barahona, and that he had been taken to Azua for trial, on charges of aiding the revolutionary party. On the 12th ultimo Mr. Hatch was brought to this city in the schooner of war Alta Gracia, and although sick at the time was locked up in prison and incommunicated for forty-eight hours. I was present at his examination by the authorities, and in his answers to the interrogatories he denied having ever in any way interfered in the revolutionary struggle at present going on in this republic. On the 18th ultimo he was again placed on board the Alta Gracia and conveyed to Azua, where he was tried by a court-martial, and on the 2d instant he was condemned to be shot. The sentence was immediately forwarded, by express, to the President, who referred it to the "senatus consultum," and that body decided to pardon Mr. Hatch; and an order from the government to that effect was sent to Azua, and I understand he is at liberty and will receive his passport.

Mr. Hatch informed me while here that, on the reoccupation of Barahona by the government troops, his store was twice pillaged, and when he was compelled to leave he abandoned a valuable cargo of wood, prepared for shipment; likewise other properties and effects. I am promised by the government a copy of the proceedings, and until I examine the testimony I cannot give an opinion. Mr. Hatch assured me that his accusers were men of the very lowest order, and not entitled to the least credit. As soon as I am furnished with a full report of the trial I shall forward it to the department.

Mr. Hatch was certainly placed in a very embarrassing position at Barahona, as the place was occupied first by one party and then by the other. The Cabralistas were in possession near three months, and, as the residence of Mr. Hatch was the only decent house in the town, the leaders of both belligerent parties occupied it at their pleasure, with or without license. Under such peculiar and compulsory circumstances, great allowance should have been made,

DAVIS HATCH.

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and I consider the death sentence a most cruel and barbarous stretch of power; it evinced a determination to punish Mr. Hatch to the last extremity, and, if possible, to break him down physically and mentally. When it is considered that Mr. Hatch is fifty-seven years old, and also his respectability in the United States, a member of Dr. Tyng's church, (St. George's,) and, I believe, formerly a vestryman, his sufferings have been enough to impair both body and mind of most men.

* * * * *

Mr. Davis to Mr. Smith.

WASHINGTON, November 15, 1869.

SIR: Your dispatch No. 93, dated the 4th of September last, has been received. The department hopes that the representations which have been made to the Dominican government respecting Mr. Davis Hatch have been successful.

Mr. Perry to Mr. Fish.

SAN DOMINGO CITY, November 16, 1869.

SIR:

Mr. Hatch, the American citizen who has been imprisoned at Azua, I understand has been pardoned on condition he leaves the country.

* * *

Mr. Ferry to Mr. Fish.

WASHINGTON, December 31, 1869.

SIR: I have the honor to inclose an application for the intervention of our government in behalf of Mr. Davis Hatch, a citizen of the town in which I reside. Though I know nothing of the particular transactions in which Mr. Hatch is involved, I am sure, from my knowledge of the man, that he is not a conspirator on any side. He is simply a man of business, attending to trade. I hope something may be done for him, and respectfully request speedy action.

Mr. Hatch to Mr. Ferry.

SOUTH NORWALK, CONN., December 30, 1869.

SIR: Inclosed with this you will please find a paper asking of the honorable Secretary a demand for the release of my father, who is now under arrest in the island of San Domingo. By putting this matter before the proper persons or authorities, you will put us under many obligations. Of the circumstances attending his arrest, sentence, and pardon, we have no particulars from him, for he is not allowed to write. We have not heard from him for eight months.

Mr. Smith, the ex-consul of San Domingo, is now in the States and has with him an account of the case, and he said that he should lay it before the government, but we have heard nothing of it yet. If we can find him and get the papers we will send them to you.

Hoping that we may meet with success, I remain yours, truly,

STEPHEN S. HATCH.

Mr. Hatch to Mr. Fish.

NORWALK, CONN., December 30, 1869.

Mr. Davis Hatch, a resident of Norwalk, Connecticut, being imprisoned and kept in close confinement on the island of San Domingo, by order of Baez, President of the republic, and being so held, as we believe, without just cause or provocation, we would respectfully ask that the government of the United States make a demand for his unconditional release.

DAVIS HATCH.

Mr. Hatch was arrested in August last, in the district of Azua, and was sentenced by a court martial to be executed, but for some reason Baez changed the sentence, and he has been kept in close confinement.

The reason for arresting him was that he assisted Cabral. At the time of the arrest, Azua had been in the possession of Cabral for three months, and Mr. Hatch's business being in that district he could not do otherwise than remain neutral, as he had done while Baez held the place.

Yours, respectfully,

STEPHEN S. HATCH.

Mr. Fish to Mr. Ferry.

WASHINGTON, January 3, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, with two inclosures relating to Mr. Davis Hatch, who was imprisoned by order of the government of San Domingo, and to inform you in reply that Mr. J. Somers Smith, United States commercial agent at San Domingo, reported to this department on the 8th of October last that Mr. Hatch has been tried by court-martial at Azua and was condemned to be shot. The sentence was immediately forwarded by express to the president, who referred it to the *senatus consultum*, and that body decided to pardon Mr. Hatch, and an order from the government to that effect was sent to Azua, and he understood that Mr. Hatch was at liberty and would receive his passport. No further information has been received from Mr. Smith. Mr. Perry, the successor of Mr. Smith as commercial agent, states that "Mr. Hatch, the American citizen who has been imprisoned at Azua," had "been pardoned on condition he leaves the country." It is presumed that Mr. Hatch has been released and may be en route for the United States.

Mr. Ferry to Mr. Fish.

WASHINGTON, January 11, 1870.

SIR: I have the honor to inclose a letter from Mr. Davis Hatch, received this morning, and dated Azua, San Domingo, December 21, 1869, from which it appears that, at the said date he was still in confinement. I am aware that the present consular agent is not friendly to Mr. Hatch, being misled, as I believe, by false representations of others, but he certainly ought to attend somewhat more promptly to the rights of an American citizen, now admittedly held a prisoner without law.

I would be obliged to you for a copy of the record for which Mr. Davis Hatch asked, and for an efficient order for his release.

Mr. Hatch to Mr. Ferry.

AZUA, December 21, 1869.

SIR: Since writing you on the 16th inst. I learn, to my very great regret, that there was no steamer called at San Domingo on the 9th to take the mail to St. Thomas to meet the Brazilian steamer appointed to leave there on the 13th. I presume the mail has been sent to St. Thomas by a sailing vessel, but as there is no steamer from there except on the 13th, my letter to you of the 6th must wait until then or take its chance from there by sailing vessel. I regret this the more as there seems to be now no hope of my release until an order comes from the government at Washington. Our commercial agent has not replied to either of my letters, and I know nothing of him. He has been in the country now forty days. His conduct is unaccountable, and to me it seems unpardonable.

I forgot in my last to request to ask of the State Department the record of my trial, from this government. I see this was done in many cases in 1866, between the British government and ours, and never refused.

I cannot comprehend the motive, still less the justice, in holding me here, now nearly three months since they were graciously pleased to commute my sentence to banishment. My sufferings are almost beyond endurance. Again, begging you to intercede for me, and to demand my immediate release, if no order has already been already given.

Mr. Fish to Mr. Ferry.

WASHINGTON, January 12, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing a letter from Mr. Davis Hatch, stating that he is still imprisoned at Azua, and to inform you that an instruction has been sent to-day to the United States commercial agent at San Domingo City to use his efforts to procure his release, and to extend to him such other good offices as he may be able to exert in his behalf. No record of the case has been received at this department respecting the imprisonment of Mr. Hatch, but the commercial agent has been instructed to obtain a copy of it, and to transmit it to the department by the first opportunity.

Mr. Fish to Mr. Perry.

WASHINGTON, January 12, 1870.

SIR: Representations having been made to the department that Mr. Davis Hatch, an American citizen, who had been imprisoned and condemned to be shot by the Dominican authorities, but who was afterward pardoned on condition that he would leave the country, is still in prison at Azua, you are instructed to use your efforts to procure his release, and to extend to him such other good offices as you can exert in his behalf. You will please obtain a copy of the process against him and forward it to this department by the first opportunity.

Mr. Ferry to Mr. Fish.

WASHINGTON, February 2, 1870.

SIR: I have the honor to request a duplicate of the last order issued from the State Department for the release of Mr. Davis Hatch, a citizen of Connecticut, now imprisoned at San Domingo. I wish to send a special messenger to San Domingo with this duplicate, a course which I believe to be necessary to secure the release of Mr. Hatch.

Mr. Fish to Mr. Ferry.

WASHINGTON, February 2, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of this date, and in compliance with your request I transmit herewith a certified copy of the instructions to Mr. Raymond H. Perry, United States commercial agent at San Domingo, dated January 12, 1870, respecting the imprisonment of Mr. Davis Hatch.

Mr. Perry to Mr. Fish.

SAN DOMINGO CITY, February 8, 1870.

SIR: Your communications of January 7, October 28, December 11, January 15, and January 12, arrived by the Tybee on the 5th of this month. She leaves for New York to-morrow at 7 a. m. The communications relating to Davis Hatch, now confined at Azua, have been attended to. I wrote M. M. Gautier, the secretary of state, and he replied in a very unsatisfactory manner; a copy of both communications I inclose to you. He also sent a copy of the process against Hatch, but it arrived too late this evening for me to send a translation by this mail. I have requested the release of Mr. Hatch several times since my arrival, and the government promised to comply with my request, but they have kept their word no better in this matter than in many others.

Mr. Perry to Mr. Gautier.

SAN DOMINGO CITY, February 5, 1870.

SIR: I have several times verbally requested the release of Mr. Hatch, the American citizen now confined at Azua. I have this day received a communication from the Depart-

ment of State at Washington, (a copy of which I inclose to you,) in regard to this matter, and it requests me to use my efforts to obtain his release. I am also ordered to send to Washington by the first opportunity a copy of the process against him. Will you furnish me with it? I must reply to the communication I have received by the steamer Tybee. Will you please inform me at once what your intentions are in regard to Mr. Davis Hatch?

[Translation.]

Mr. Gautier to Mr. Perry.

SAN DOMINGO, February 8, 1870.

SIR: I have received your communication of the 5th instant, in answer to which I inclose the process concerning the cause of Mr. Davis Hatch. At the same time I must inform you that the government will occupy itself about the solicitude which you have shown in regard to the said Mr. Hatch; said solicitude has not been resolved of ere this on account of the reasons which we have explained to you in different times.

I take this opportunity to renew the sentiments of my most distinguished consideration.

A communication from Mr. Felix M. Delmonte.

* * * * *

It is said that the salt mine in the commune of Neyba belongs to a North American citizen, and that he was robbed of his rightful property by the caprice of President Baez; but any one who has been in San Domingo knows perfectly well the history of that salt mine, and knows the Cerrero family, who are its principal owners, by authentic titles and royal grants more than a century old. The salt pits, according to the Spanish laws, belong, as do the mines, to the Crown; but the government of Spain at that time offered the salt mountain of Neyba at public sale, and gave a deed to the representatives of the Cerrero family, as the highest bidders at the sale, giving its royal title-deed, which original document is still preserved, notwithstanding the length of time which has elapsed since it was given. Since then, neither could the Spanish government dispose of the salt mine, nor could the succeeding governments of the country, as moral beings, responsible for the acts of their predecessors; thus it was, that during twenty-two years of Haytian domination, and notwithstanding the law of July 8, 1824, which stripped the citizens of a great portion of their property, and notwithstanding the laws of that state, the family in question retained the exclusive ownership of the salt mountain which is now supposed to belong to a North American citizen.

Thus passed years and governments; but in spite of the indisputable ownership and the immemorial possession, in spite of that sacred law of continuity, the government of Cabral awarded said mine to Mr. Davis Hatch, as a privilege granted to its discoverer, a gross subterfuge, whereby it was sought to cover up a scandalous spoliation, since the salt mine had been discovered at the time of the conquest of the island, and the inhabitants had worked it with the permission of its owners, and since the sovereign, to whom it belonged as a prerogative of the Crown, had sold it forever and unconditionally many years before Mr. Hatch could have come into the world, much less to Neyba, to see the mountain whose wealth he claimed to have discovered.

The opposition journals should give fair play; they must understand that the Dominican Republic obeys the laws which govern enlightened countries; that it is no longer in those primitive times when the first occupant acquired a valid title by long possession, or when property was acquired simply by force. They must know that, poor as is our republic, and little known as she has hitherto been, she is acquainted with the eternal principles which support and give life to states.

In view of the above, the grant made by Cabral to Mr. Hatch could not remain valid, as well because the sale or grant of the property of another is void in law as because the assertion that Hatch had discovered a mine worked by the public for the space of three centuries and a half, besides being false, was ridiculous.

President Baez, respecting the property of the Cerrero family, nevertheless offered the railway grant from Neyba to Barahona, placing at the disposal of the company the lands belonging to him, through which the railway had to pass; while the owners of the salt mine are disposed to enter into private arrangements with the builders of the road.

This is the history of this so-called spoliation; but what is very evident is that Mr. Hatch, full of rancor on account of what had happened, availed himself of certain persons in order to obtain permission from the government to remain in those places agitated by the Haytian faction, and this permission having been obtained, he repaid the kindness of the government by the most criminal conduct. He converted his house into an inn, which was the depot and arsenal of the faction; there bullets were cast and cartridges manu-

factured; he shielded with his name the property of the enemy; he gave, as a revolutionary authority, bills of health to vessels which were smuggling in articles of commerce and munitions of war; and he furnished supplies to those who were carrying on hostilities against our troops. Having been taken in the act, and brought to trial in due form of law, he was condemned to be executed, but pardoned by the executive power, which did not assume the responsibility of immediately restoring him his liberty, but which will be even more generous toward him, when the circumstances shall no longer exist under which he can do mischief. The report* of the trial sent to Washington will demonstrate the truth of this statement.

Message of the President of the United States communicating, in compliance with a resolution of the Senate of April 26, 1870, copies of certain dispatches of J. Somers Smith, esq., late commercial agent of the United States at San Domingo, to the State Department, in relation to the imprisonment of Davis Hatch, by the Dominican government.

To the Senate of the United States :

In answer to the resolution of the Senate of the 26th ultimo, I transmit a report from the Secretary of State, and the papers by which it was accompanied.

U. S. GRANT.

WASHINGTON, May 6, 1870.

WASHINGTON, May 6, 1870.

The Secretary of State, to whom was referred the resolution of the Senate of the 26th ultimo, requesting the President, "if not incompatible with the public interests, to transmit to the Senate full and entire copies of the following dispatches of J. Somers Smith, esq., late commercial agent of the United States at San Domingo, to the State Department, portions of which dispatches were transmitted to the Senate on the 24th day of February, 1870, in compliance with a resolution of the Senate of February 21, 1870, namely: dispatch dated San Domingo City, September 4, 1869; dispatch dated San Domingo City, September 9, 1869; dispatch dated San Domingo City, October 8, 1869," has the honor to lay before the President the papers mentioned in the resolution.

HAMILTON FISH.

THE PRESIDENT.

Mr. Smith to Mr. Fish.

No. 93.]

SAN DOMINGO CITY,

September 4, 1869.

SIR: I consider it my duty to bring to the knowledge of the department the critical situation of Mr. Davis Hatch, a citizen of the United States, who, it is reported, is under arrest at Barahona.

Mr. Hatch came to this country as the agent of a company consisting of Mr. Augustus Schell, and other men of standing in the city of New York, for the purpose of working the salt mountain of Neyba, and making a railroad to Barahona, to facilitate the shipment of the salt. Mr. Hatch obtained the concession from the Spanish government, which was confirmed by the Cabral administration. When Mr. Baez returned to power he sent for Mr. Hatch, as there had previously existed an unfriendly feeling. Mr. Hatch was brought by force on board a man-of-war to this capital; but, on my representation, the difficulty between himself and the President was arranged amicably, and Mr. Hatch was allowed to return to Barahona. Some time since, Barahona was taken by the revolutionary party, and they held it some months; it was retaken some three weeks ago, and it was rumored that Mr. Hatch had been arrested. I called at once on President Baez, who confirmed the rumor, and said that charges had been preferred against him, and, at my request, I was promised a copy of said charges as soon as received by the government.

Some two weeks having elapsed without my hearing further I called, on the 29th August, again on the President, and he informed me that he had given orders to send up Mr. Hatch to this city; but as he has not yet arrived, I feel great anxiety as to his actual position.

On the 31st ultimo the United States ship *Tuscarora* arrived from Key West, when Commander Queen called on me. I handed him a memorandum regarding Mr. Hatch, and expressed my desire that he would proceed to Barahona, see Mr. Hatch, and learn the particulars

* This report has not yet been received.

of his case. The commander informed me that, notwithstanding his willingness to comply with my request, he was powerless to act in the matter, as his instructions placed the ship at the disposal of General Babcock. On my communicating with General Babcock, he did not seem disposed to co-operate, appearing not to regard the case in as serious a light as I do, from my *knowledge* of the Dominican character.

It is unfortunate for Mr. Hatch that since General Babcock has been in this country he has been in close companionship with Mr. Cazneau, who is an enemy of Mr. Hatch; as he, Mr. Hatch, furnished the information which caused the rejection of Cazneau by the Senate, some three years ago, when his name was sent in for a position in this country.

The captain and officers of the *Tuscarora* were introduced to the President by General Babcock. I was not invited to accompany them, which appeared to me as a want of courtesy on the part of the general.

Mr. Hatch is a highly respectable gentleman, and as I have not heard from him for over four months, notwithstanding that Barahona is within *twelve hours'* sail of this city, I deem it my imperative duty to report the affair for the consideration of my government.

P. S.—Commander Queen reported to the undersigned the death of William Smith Huddell, acting assistant paymaster of the *Tuscarora*, on the passage from Key West to this port. Mr. Huddell was a nephew of the undersigned.

Mr. Smith to Mr. Fish.

No. 94.]

SAN DOMINGO,
September 9, 1869.

SIR: In my dispatch No. 93 I had the honor to inform you of the arrest of Mr. Davis Hatch at Barahona. I have since received a letter from Mr. Hatch, dated Azua, September 3, apprising me that he left Barahona, by order of the government, on the 28th August, under a general order for the *evacuation* of the town, and arrived at Azua, by sea, on the 29th, and on landing, was taken in charge by three dragoons, and escorted, through a drenching rain, to the town, some three miles from the landing, and placed in the *commandancia*, where he remained throughout the night in his wet clothes.

On the following day he requested to have an interview with the commanding general, Ramirez, a half-brother of the President's, as he was sure he could satisfy him of his being innocent of any complicity in the affairs of the government. He received a message from the general that he only wanted to take some declarations, which would be done shortly, after which he, Mr. Hatch, could return on board the vessel and proceed to this city.

Up to the time of writing me, on the 3d, Mr. Hatch had not heard anything further from General Ramirez, and being fearful that, from what was taking place, he might be thrown in prison on his arrival here, he begged me to take some steps to guard against such an outrage.

On reception of the letter, I immediately visited the President and conversed the matter over; he informed me that a process had been instituted against Mr. Hatch at Azua, and that as soon as the proceedings were completed I should be furnished with a copy of the same, and that Mr. Hatch would be brought here; and that, if the charges were not of a serious nature, he would not be deprived of his liberty.

I cannot communicate anything further until I see Mr. Hatch, and am acquainted with the accusations on which he has been arrested.

I have been informed, on *reliable authority*, that General Salcedo returned to Azua on the 3d instant, with the remnant of the column with which he marched for San Juan, having lost many men, *particularly* by desertion; almost all the troops from the north side availed themselves of the confusion of the retreat and ran away. A vessel was dispatched for Azua last night with arms and provisions. The government have not published anything since the account of the battle a fortnight ago. Cabral is reported in strong force and well supplied.

Mr. Smith to Mr. Fish.

No. 96.]

SAN DOMINGO CITY, October 8, 1869.

SIR: In my dispatch No. 94 I informed the department of the arrest of Mr. Davis Hatch, a citizen of the United States, at Barahona, and that he had been taken to Azua for trial, on charges of aiding the revolutionary party. On the 12th ultimo Mr. Hatch was brought to this city in the schooner of war *Alta Gracia*, and, although sick at the time, was locked up in prison, and *incommunicado* for forty-eight hours. I was present at his examination by the authorities, and in his answers to the interrogatories he denied having ever in any way interfered in the revolutionary struggle at present going on in this republic. On the 18th ultimo he was again placed on board the *Alta Gracia* and conveyed to Azua, where he has been tried by a court-martial, and on the 2d instant he was condemned to be shot; the

sentence was immediately forwarded by express to the President, who referred it to the *senatus consultum*, and that body decided to pardon Mr. Hatch, and an order from the government to that effect was sent to Azua, and I understand he is at liberty and will receive his passport.

Mr. Hatch informed me while here that, on the reoccupation of Barahona by the government troops, his store was twice pillaged, and when he was compelled to leave he abandoned a valuable cargo of wood, prepared for shipment; likewise other properties and effects.

I am promised by the government a copy of the proceedings, and until I examine the testimony I cannot give an opinion. Mr. Hatch assured me that his accusers were men of the very lowest order, and not entitled to the least credit; as soon as I am furnished with a full report of the trial, I shall forward it to the department.

Mr. Hatch was certainly placed in a very embarrassing position at Barahona, as the place was occupied first by one party and then by the other; the Cabralistas were in possession near three months, and as the residence of Mr. Hatch was the only decent house in the town, the leaders of both belligerent parties occupied it at their pleasure, with or without license. Under such peculiar and compulsory circumstances, great allowances should have been made, and I consider the death sentence a most cruel and barbarous stretch of power; it evinced a determination to punish Mr. Hatch to the last extremity; and, if possible, to break him down physically and mentally. When it is considered that Mr. Hatch is fifty-seven years old, and also his respectability in the United States, a member of Dr. Tyng's church, (St. George's,) and, I believe, formerly a vestryman, his sufferings have been enough to impair both body and mind of most men.

On the return of the *Tuscarora* from Tortola, Captain Queen told me that there was no necessity in my taking any steps to assist Mr. Hatch, as General Babcock had carried to President Grant, in black and white, proofs of his guilt. I replied to Captain Queen that I disregarded all *ex parte* statements, and should investigate the affair when the testimony was submitted. I cannot but express my reprobation at the interference of certain Americans in using their influence to place in jeopardy the life of a fellow-countryman; national feelings alone would induce most men to stand by him, and if they could not assist or extricate him from a grave dilemma, to at least abstain, both in word and deed, from participating with his enemies, or contributing in any way whatever to prejudge his case. Had Captain Queen been untrammelled on his arrival in the *Tuscarora*, I would have called with him formally on the President, and I am confident that on our joint representation the process against Mr. Hatch would have been discontinued, and he would only have been requested to leave the country. Thus the ignominy which has been cast on him would have been avoided; but the *Tuscarora* was under the orders of General Babcock.

Additional papers in the case of Davis Hatch, an American citizen imprisoned by the Dominican government at Azua, San Domingo.

Letter from J. Somers Smith to Hon. O. S. Ferry.

TOMKINSVILLE, STATEN ISLAND, March 11, 1870.

I am informed by Mr. S. C. Southmayd, brother-in-law of Mr. Davis Hatch, that you wish to communicate with me in reference to the affairs of Mr. Hatch, which I notice you have brought before the Senate. From the letters I have recently received from Mr. Hatch I conclude he has fully acquainted you with his case. Should you, however, think it necessary I can send you his correspondence with me, from the last of August to the month of November, which gives the entire detail of the unjust and outrageous treatment and persecution he has experienced from Mr. Baez's government. In my correspondence with the Department of State I fully informed Mr. Fish of all the particulars relating to the arrest, trial, and sentence of Mr. Hatch, and I respectfully suggest that my dispatches for the months of September and October should be called for by the committee. I wrote several dispatches on the subject and animadverted severely on the conduct of Mr. Baez, and a clique of American speculators, who had predetermined to sacrifice Mr. Hatch, actuated by personal malice, and a desire to get rid of Mr. Hatch, who they feared might defeat the gigantic speculations they are all concerned in. On my visit to Washington in December last I called the attention of Mr. Davis, the Assistant Secretary of State, to the matter, and, as Admiral Porter was personally acquainted with Mr. Hatch in San Domingo, I called on him, thinking his influence important, and at his request I wrote out a brief statement of the case, and left the letters addressed to me by Mr. Hatch, which were in the hands of the admiral for a month, when, at my request, they were returned. When the sentence of Mr. Hatch was commuted to banishment I immediately called on Mr. Felix Delmonte, minister of justice, and a leading member of Baez's cabinet, and inquired when Mr. Hatch would be set at liberty. He replied that Mr. Hatch was doubtless released at once, on the receipt of the sentence being commuted; but it did not suit Mr. Baez and his American friends that Mr. Hatch should be at liberty pending the negotiations on which their speculations depended, and he has, consequently, been detained. My last letter from Mr. Hatch is

dated February 4. He was still in prison, being four months after his sentence was commuted to banishment.

The case of Mr. Hatch is a very grave one, and calls loudly for the interference of our government; otherwise the rights and lives of American citizens will hereafter be left to the mercy of any petty tyrant who happens to be at the head of an irresponsible government.

I shall be happy to give you all the information in my power on the subject.

I am, sir, with high respect, your obedient servant,

JNO. SOMERS SMITH.

Letter of John Somers Smith, United States consular agent at San Domingo, to Hon. O. S. Ferry.

TOMPKINSVILLE, STATEN ISLAND, March 19, 1870.

DEAR SIR: I have the honor to acknowledge the reception of your letter of 13th; the printed papers (report of Secretary Fish in case of Mr. Hatch) only reached me this morning, and I hasten to reply. I transmit herewith Mr. Hatch's correspondence. Mr. Hatch proceeded to San Domingo some five years ago, as agent for a company of New York, for the purpose of working the salt mines at Neyba; he obtained a concession from the Spanish government, being at that time in possession of the country; shortly after the Spaniards left, and Mr. Baez coming into power declined to ratify the Spanish grants; after four months' occupation Baez was expelled, and soon after General Cabral was elected president by the popular vote of the country; his government was acknowledged by the United States, and a treaty was concluded between the two countries. General Cabral's government renewed and confirmed the grants for the salt mines conceded by Spain to Hatch. After some eighteen months a revolution broke out in favor of Baez, and the Cabral government was overthrown. In the spring of 1869 Barahona (where Mr. Hatch resided) was taken by the forces of General Cabral, and remained in their possession until the last of August, when they retired and the Baez troops returned to the town. Mr. Hatch was then at once arrested. The letters from September 3 to November 7 give a history of his entire case. On examining the correspondence submitted to the Senate I observe that important portions of my dispatches, that contained what I believed to be the private motives that led to the persecution of Mr. Hatch, have been omitted. Mr. Delmonte's specious statement is entirely erroneous; the grants were made originally by the Spanish authorities, and not by Cabral; the latter renewed them, and I think there was a clause to indemnify the owners of the property, the amount to be determined by the government. As to Mr. Hatch's house being an inn, it is false, as the generals on both sides occupied it, *volens volens*, at their own pleasure. As the subject is fully explained in Hatch's correspondence, I hope this statement will be sufficient. In conclusion, I can only say that the treatment of Mr. Hatch has been atrocious. I am entirely convinced of his entire innocence of any complicity against the Baez government, and I have no objection to the publication of this entire correspondence.

I am, dear sir, with great respect, your obedient servant,

JOHN SOMERS SMITH.

Davis Hatch to J. Somers Smith.

AZUA, September 3, 1869.

MY DEAR MR. SMITH: I left Barahona on the 28th ultimo, by order of the government, under a general order of the evacuation of the town, and arrived here on the 29th. The morning after our arrival here I was told that an Italian and myself were to remain on board with our effects, and probably proceed to San Domingo in the same vessel, *Alta Gracia*. All the others were landed with their effects. Just after dark the same day a peremptory order came from town to send me there immediately. I went on shore at once, as I stood, and found three dragoons to take charge of me. Up to this time I had had no intimation that I was under arrest, or that any charges had been preferred against me. Soon after we started it commenced raining, and when I reached town I was completely drenched. I was taken to the commandancia, where I remained through the night in my wet clothes. A friend hearing of my arrival sent me a hammock and sheet, or I should have been obliged to lay on the floor or sit in a chair all night. At nine o'clock the next morning a friend called upon me and offered his services. I told him that I did not know what I had been arrested for; that I should like to have an interview with General Valentine, (one of Baez's officers,) when I was sure I could satisfy him that I was entirely innocent of any complicity in the affairs of the government. He went at once to General Valentine, and soon returned with a message that he only wanted to take some declarations, which would be done shortly, after which I could return on board and proceed to the capital, and that he would call and see me. Up to this time I have heard nothing further, nor received the promised visit, from General Valentine. On the afternoon of my arrival, Monday, a friend went to General Valentine and asked permission for me to go to his house to dine and sleep, which was

granted, and here I have remained, without a change of clothing or any intimation of what is to be done with me. I shall decline to make any formal declarations here, believing it to be contrary to treaty stipulations between the two governments, except in the presence of my consul; but I shall not hesitate to give a full explanation of my proceedings with both parties.

I am fearful, from what has taken place here, that I may be thrown into prison on my arrival in the city, and the chief object of this communication now is to beg of you to take some step at once to guard against such an outrage.

And now I will endeavor to give you a brief account of what has passed at Barahona and that section since I wrote you in April. About that time I heard through the commandant that Cabral's party had taken Neyba again, and were preparing to take Rincon and Barahona. The small force which the government had kept together up to that time dwindled down to some fifteen or twenty men, by some going over to the enemy and others to their homes. Finally, in the early part of May, the commandant, on learning that Rincon and all the small towns in that vicinity were occupied by the enemy with a large force, withdrew with some twelve or fifteen men that remained firm in their adhesion to the government to the opposite side of the river toward Azua, leaving the town at the mercy of any half-dozen villains who felt inclined to plunder it. Most of the inhabitants had fled to the mountains for safety. For two or three weeks I slept in my house entirely alone. Finally, on the 18th of May, between two and three hundred of the Cabral party entered and took possession of the town without opposition, and in the most perfect order. After two or three days all the families returned to town, and those subject to military duty presented themselves and offered their services to the new commandant. All the towns down the coast adhered without opposition to the new order of things, and all who had been in the service of the government presented themselves and offered their services. From that time to the 14th of August, three months lacking four days, the Cabral party remained in undisputed possession of all that section of the country, and nothing was known of any propositions being made by the government to regain possession. The revolutionary party had acquired the confidence of the people, even of the best friends of the government, and having all the necessary means of carrying on war, all looked upon the fall of the government as a matter of certainty, and within a very brief period. With my experience here of the past four years, having witnessed six successful revolutions and changes in the head of the government in that time, I was reluctantly forced to take that view of the situation. As I had done when the revolution broke out there in November, 1867, against Cabral's government, of which you have knowledge by a letter from General Valentine to the President, I looked to them as the only authority over the place; and being commanded by gentlemanly and able men, for the most part, I treated them courteously. Any other course would have exposed me to insult, and, perhaps, something more, on the part of the men. Indeed, gratitude for their protection, if nothing else, would induce such a course.

This probability of the success of the revolution was further insured on the arrival of a steamer in their service on the 29th of June, six weeks after the occupation of the place, bringing a surplus of arms and ammunition; and on the same day a schooner from St. Thomas, with coal, clothing, and provisions; and a few days later a vessel from Jacmel, with further supplies of arms and clothing, and likewise a considerable amount of Haytian money. The steamer also brought Valverde, Pujol, Cunil, Marcus Adon, and some five or six other generals, and some troops. Pujol, Valverde, and Cunil, whom I had known as friends and gentleman, I invited to my house, which I occupied alone; was a very large one, and the only house unoccupied where they could go. After a day or two Adon, and the other generals from the steamer, felt that they had as good a right there as the others, and without asking permission from me or any one else, took up their abode there. I protested to Valverde, who seemed to take the lead, and told him I would not permit it; that Adon, although I had known him before, he was no friend of mine, and I could not have him in my house; the others were strangers to me, and I would not be incommoded by them. Valverde attempted to arrange quarters for them elsewhere, and some of the younger men left; but seeing that he would have to quarrel with Adon and others to get them out, said they would take the entire expense of the house upon themselves, provisions, cook, servants and all. As I could do nothing more without an open rupture, which would have been a most imprudent and injudicious act under the circumstances, I was forced to acquiesce. Finally, while I was out one morning, they brought some powder and lead there from their storehouse, and commenced molding balls and making cartridges. I protested against it, and told them I would not permit it from any one under any circumstances; that, aside from any objections to it for other reasons, I would not expose my life and property to such work by a heedless set of men. They stopped the work, and a quarrel ensued between Valverde and Adon, but the former yielded to the latter, and they recommenced the work in the shed in the back part of the yard. Adon said he was chief in command of the military force, and he would do as he pleased; that they had possession and were supporting the establishment, and had a right to it on that account as well as his right as chief in command.

In consequence of my continued remonstrances, which kept up continued altercations with Adon and Valverde and others, Adon stopped the work, quit the house, and next day started off with all the troops brought in the steamer, and some others, for San Juan. As the most of the men looked to Adon as their leader, and seemed to feel great confidence in

him, his leaving was the occasion for a regular stampede, and it was with great difficulty that a sufficient force could be kept together to maintain order. From Rincon, Adon sent animals and took away all the powder, lead, clothing, and provisions. Valverde, Pujol and others, seeing the place was likely to be abandoned entirely, left for San Juan. I was, therefore, indirectly, the cause of the abandonment of the place. As I said before, my interests induced me to hope for the success of Mr. Baez in holding on to the government, and if I could have done anything to aid it, I would cheerfully have placed all that I possessed there at his disposal. But when the revolution had gained such a foothold, with the experience I had had in the country, it would have been madness and folly in me to have thrown obstacles in their way, or to have been uncivil and discourteous to the heads of it. In addition to what I had witnessed of its strength and progress, on the arrival of the steamer they reported that they had sunk the Capotilla and Alta Gracia, and at the same time it was reported that Bani, Maniel, and San Cristoval had pronounced in favor of the revolution, and the city besieged. Cabral came down from San Juan a few days after the arrival of the steamer, and said that many towns in La Vega had pronounced in his favor. Hearing nothing whatever from the other side, and seeing no signs of any effort to regain what was actually in possession of Cabral, I could not but believe enough of what I saw and heard that the probabilities were in favor of the revolution.

The conferences between Cabral, Luperon, and other generals were held in secret, and I knew nothing of what passed between them, except what I inferred from subsequent movements and events. Luperon remained on board the steamer all the time, except two short visits to Cabral, who was in Barahona two nights and one day. When Cabral left on the 6th of July, he told Pujol that he should be in Azua by the 15th. I think I have said enough to convince you that my course has not only been impartial, but prudent and considerate. If there had been any possible way for me to have left at the time the government abandoned Barahona, about the first of May, I should have done so, for fear of being charged with a preference for one party or the other.

Soon after the arrival of General Garcia, (an officer of Baez,) on the 14th ultimo, at the head of two hundred and fifty or three hundred government troops, he came to my house with his officers, followed by some forty or fifty men, and he asked me what there was in the house belonging to the Caïos. I pointed out to him some trifling articles they had left there, including one and one-quarter barrel flour and two trunks. He left shortly afterward with his officers, except two or three called captains. As soon as he was out of hearing, they broke into the store adjoining the hall, and immediately a large gang of forty or fifty rushed in and carried off nearly every article of merchandise from the store, some 900 or 1,000 pounds of wax; and then rushed to other apartments, ransacking and taking everything that could be of service to them—all my kitchen apparatus, all my knives, forks, spoons, crockery, &c.; and then made a rush into my chamber and commenced upon my wardrobe and other articles there. My clerk ran for General Garcia as soon as the pillage commenced, and he arrived just in time to save most of my clothing, and recovered a few articles of merchandise of the least value that the villains had not had time to make off with.

He reprimanded the officers for permitting such an outrage, and threatened to shoot any one that removed an article from the house; cleared the house of the men, and placed a guard over it. After order was restored, I took him one side and told him that from my previous knowledge of his character and standing, I had not anticipated such outrages from men under his command. He said he regretted it very much, and would take steps to recover what he could, and prevent any further pillage. A few articles of merchandise and a little wax were recovered during the day. He left with his whole force the next day for Rincon, after sending nearly every person in town on board the vessels in the harbor, or to the encampment the other side of the river, including my clerk and cook. As I had nothing left in the house to eat, and not thinking it prudent to stop there alone under the circumstances, I went to the house of a neighbor on the opposite side of the square, where I removed some of the most valuable of my clothes.

On parting with General Garcia, he expressed many regrets at what occurred, and said he would write to General Valentine that, so far as he could hear from inquiry there, I had pursued an impartial course. You are at liberty to communicate anything contained herein to the government.

Hoping to meet you shortly, and find you in your usual health, and with kind regards to Mr. Read and Eugene, I remain, most sincerely and truly, yours,

DAVIS HATCH.

In regard to the vessel ordered from St. Thomas, which I hear has been condemned, I will merely say now, that order was given when it seemed almost certain the government would be forced to yield, of the position of which, in other parts of the country, they would have later advices, and could judge better. I had the permission, voluntarily, from Cabral. If the government had triumphed, and the vessel was sent on the voyage, they could only order her off, as I understand the law, when no blockade had been inland to my knowledge, and when there was no force to support it if inland. If they had found her in port she would have been a lawful prize; but I think not liable to capture, taken at sea. Immediately after Pujol, Zatrenda, and the others left Barahona, I gave orders to the pilot to go out,

if he saw any vessel approaching; and if for me, to order her back to St. Thomas. I ordered a vessel in April, of which I had heard nothing, and was over-anxious to get the property here off my hands. I gave positive orders to admit nothing except what was for me.

Letter of Davis Hatch to J. Somers Smith.

AZUA, September 9, 1869.

I wrote by the Como, on the 3d instant, giving you a full account of what had transpired up to that time, including the proceedings of the government against me. On the afternoon of that day I was summoned to the commandancia, where certain questions were put to me concerning my intercourse with the faction in Barahona. As I was anxious to know what the charges were, and to have the opportunity of giving a full explanation, I answered all the questions in full, although I believe it to be contrary to treaty stipulations. Before signing the declarations I required that reservation to be added, which was done. I was not informed who had given evidence against me, but I learned from a friend that they were those low characters who had him arrested in Barahona, and imprisoned here in irons. It is easy to understand why they would endeavor to make out a case—not from anything personal against me, but to gain favor with the government, with the hope of effecting their own release. The principal one was immediately set at liberty. The charges are nothing more than that of aiding the faction, the whole extent of which I explained to you. Until Cabral's party occupied the town, on the 18th May, I never received or sent any communication to them, or knew anything of their movements, except what was told me voluntarily by the government authorities before they left. Obedience and protection are reciprocal terms. As the government was forced by circumstances to abandon the place, and it was subsequently occupied by the faction, I was compelled to look to them for protection, and was in duty bound to yield obedience to their mandates, or expose myself to insult or persecution. All took this view of the situation, and acted accordingly. In small towns like Barahona anything required of you by either party and refused is taken by force, and you are looked upon as an enemy afterward. Such has been my experience. Every one rendered whatever service was asked of them. I cannot but regard the whole proceedings against me as an attempt to make out a case to offset, or in some degree justify or palliate, the burglary and robbery of my house, and perhaps by some of the very parties concerned in it. There were respectable parties here from Barahona, who would have given fair and truthful evidence, if called upon. Was it fair and just, therefore, to take the evidence of the lowest class, who were in duance vile? The day after my arrival in town I sent, by a friend, to General Valentine Ramirez that I should like to have an interview with him, when I could explain everything to his satisfaction. He sent word that he only wanted to take some declarations, which would be done soon, after which I could return on board; and in the mean time he would call upon me. I have now been here ten days, and have not seen him yet. It would not be proper for me to call upon him under the circumstances.

There seems to have been a desire to subject me to all the indignities and inconveniences possible, and the whole proceedings are irregular and inconsistent. I was arrested at night, after being in the harbor more than twenty-four hours; brought here in the rain; kept in prison twenty hours without a change of clothing; set at liberty without being notified why I had been arrested; three days afterward my declarations were taken, and again set at liberty, and remained until now without hearing anything more. If there was no foundation for a criminal charge, why was I arrested and imprisoned? And that there was no foundation for a criminal charge is evident from the fact of my being set at liberty before my examination was made.

Being obliged to remain in my wet clothes the night I was brought here gave me a severe cold, which settled upon my chest, and finally produced a violent fever on the 6th, which returned with more violence yesterday. I feel better this morning, and hope the worst has passed.

One of the officers of the Alta Gracia called upon me yesterday and told me the Capotillo was expected to-day; and that after her arrival they were to go to San Domingo. I have heard, indirectly, that I could go up in her. My baggage and other effects are still on board of her.

Again begging your intercession in my behalf, to avoid any further indignities after my arrival at San Domingo, I remain, most sincerely, yours,

DAVIS HATCH.

Davis Hatch to J. Somers Smith.

AZUA, September 29, 1869.

MY DEAR MR. SMITH: Notwithstanding the assurance given you to the contrary from so high a source, I was cast into a little filthy cell on my arrival here, from which all light and air was excluded, except what passed through the crevices between the boards. I sent for General Valentine the next day, who came and listened patiently for two hours to my explanations of the charges against me, and of my whole course in Barahona. I thought

he seemed convinced of my innocence of any act against the government. On parting, I begged him to consider the state of my health, my condition in life, and the positive services I had rendered the government, of which he was aware, and allow me to go to the house of Mr. Marchona. He consented, and said he would send Mr. Marchona to accompany me, a little later. He did not come, however, and two days passed without my seeing any one. Mr. Marchona came the third day, and said that General Valentine, on referring again to his instructions from the minister of war, found they were positive that I should remain in prison until the trial was concluded. I sent for General Valentine the sixth day, and requested another interview. He came, and showed me the letter referred to; said he regretted that it was out of his power to let me out of prison, but would do all in his power to relieve me; that I might occupy the adjoining room alone, which was twice the size, with a window in it which might be opened during the day. The change was made at once, somewhat to my relief. My trial is now going on; what the result may be I cannot predict. All I can do is to declare my innocence. I know nothing of the laws and customs in such cases.

I have not had the means or opportunity of writing you before. I have been disappointed in not hearing from you, presuming you must have heard of my condition here. If there is anything in their laws to justify the proceedings instituted against me, I am ignorant of them. Plead for me at once.

Yours, most sincerely,

DAVIS HATCH.

Letter of Davis Hatch to J. Somers Smith.

AZUA, October 13, 1869.

I wrote you a few lines yesterday by the Como. This morning I was told by a confidant of General Valentine that I could not leave the Alta Gracia to-night, as the papers connected with my trial had not yet all been copied, and I could not go until they were ready, as they must accompany me. I cannot view this statement in any other light than a determination, too often before manifested since my arrest, to aggravate my case as much as possible. I should do wrong, however, not to except General Valentine from this general charge.

I send with this three sheets containing a full account of my trial, to which I shall add, as opportunity offers, some comments. I have been quite well the last few days, but to-day am quite upset again, partly, perhaps, from my disappointment in not being allowed to embark to-night, as I was given to understand would be the case, in the Alta Gracia. I hoped to have been with you in time to express my views upon the subject of the satisfaction and compensation to which I am justly entitled for the cruel persecutions and exposure of life, false imprisonment, and the unjust and degrading sentence passed upon me by a mock tribunal, in time to make an appeal to our government for the steamer of the 20th, but that is now quite improbable. I have also a claim for property robbed by the government troops under General Garcia, and for property abandoned by his ordering me away without furnishing the time and opportunity to remove it. My strength fails, and I can write no more.

Most sincerely and truly, your friend,

DAVIS HATCH.

P.S.—Still having time, and feeling a little better, I open this to add that at the commencement of my interview with General Valentine, the morning after the trial, I said: "General, if I cannot convince you of my entire innocence of any act or deed, now or at any previous time, against the present government, I neither ask nor expect any favor nor consideration from you." Although there was no formal admission of my innocence, I was persuaded he really felt so in his heart, and his interesting himself so warmly immediately after in obtaining pardon may be taken as proof that such was the case. It would seem as though there could be scarcely any limit to the compensation that may be justly and properly demanded for such wanton cruelties before the trial, and such a degrading sentence under which I remained six days, subject to the clemency of one man, without the least proof being presented. The sentence has gone forth to the world and its refutation will travel slow and not

D. H.

AZUA, October 11, 1869.

MY DEAR MR. SMITH: Your note of the 5th instant was handed me at noon of the 7th, soon after the office of the government was read to me commuting my sentence to banishment, and then in the streets in several parts of the town, by order of General Ramirez, was read to me at the same time, ordering me to remain in prison until an opportunity offered to embark for the city. I asked through a friend permission to go to the house of Mr. Marchena until an opportunity offered, but the reply was that he had no discretion in the matter.

You say my note of the 30th ultimo was handed you on the evening of the 4th instant, simultaneously with the sentence of the court-martial. To insure its prompt delivery I had it sent under cover of a letter of Mr. Marchena to Mr. Ricardt, certified, with the request to Mr. Ricardt that he deliver it immediately; the certified envelope with its receipt was received here by the return conco, on the 4th at noon, some hours before you received the

letter. This significant fact is of no consequence now, except as forming a part of the history of my most extraordinary trial here, which I now proceed to detail.

I arrived here on the morning of the 20th ultimo, and was immediately locked up in a little dungeon, ten by fifteen feet, without any floor, and from which all light and air was excluded, except what passed through the crevices between the boards. Two criminals with irons upon their feet were in the same apartment. Through the kind consideration of General Ramirez, who came to see me on the sixth day, I was permitted to occupy the adjoining room, twice the size, with a stone floor, used as a depository of arms, &c., in which there was a window, which I was allowed to open during the day.

At seven o'clock on the evening of the 28th, nine days after my arrival here, I was officially presented with a copy of the charges against me by the fiscal, or government prosecutor, which was the first I knew of what I had been accused, except what I was left to infer from the questions put to me here on the 30th. I was told by a friend, not officially, that my trial would take place the next morning. I sent immediately for my counsel and directed him to petition the court for time to send to you for important documents and letters and to summon witnesses in my defense. The petition was peremptorily denied. At ten o'clock in the morning of the 1st instant I was taken from prison and escorted through the streets by twenty armed men to a private dwelling, temporarily fitted up as a court-house for the occasion. The whole process was then read, and I for the first time learned who the witnesses were, who had been examined in secret by the prosecutor, and what they had testified. I protested against the trial proceeding then, as I had not had time to summon witnesses or prepare my defense; that only forty-eight hours had elapsed since I was presented with the act of accusation, and until now knew not who the witnesses were against me or what they had testified; and neither had my counsel had time to prepare my defense; that the government had taken all the time they wished, nine days, to prepare their charges against me, and that I was entitled to at least an equal time to prepare to refute them, if this was what it pretended to be, a court of justice. Time was peremptorily refused and the trial ordered.

Six witnesses had been examined in secret by the government prosecutor, and their evidence taken, and it formed part of the process upon which I had been arraigned. Four of the six were in prison, with irons upon their ankles, and gave their evidence in that condition in prison, or in the same building. Two of the four were arrested with arms in their hands in the service of the rebels in Barahona; the third was arrested as a spy, also in Barahona, tied and embarked, and placed in prison with irons on his arrival here. All of them were brought here three weeks before me, and were subject to the penalty of death if put upon trial. They were, however, set at liberty a few days after giving their declarations. Comment is unnecessary. The fourth was arrested for piracy, also in Barahona, for assisting the steamer *Telegraph* in removing the schooner *Casualidad* from this port. The day after he gave his testimony he was sentenced to death by the same court-martial; and though a petition was sent to the president for his pardon, in which the governor of the province joined, it was refused, and he was executed the day after the decision was received. The other two were greater criminals, from the fact that they were men of more intelligence and responsibility, and in different positions. One voluntarily furnished all the bread for the revolutionary army, and the other, although holding a commission as *alcalde* from the government, furnished all the beef, and both volunteered their services to the officers of the revolutionary army in every way they could be useful. But they are at liberty here, although the government knew their criminality, as it was a matter of public notoriety. I must here stop to make a correction. The *alcalde* was called in by my counsel, without consulting me. He was the greatest of all the criminals, from the fact of his holding a commission from the government, well aware of his great crime, and the consequences, if the government should proceed against him. He, too, perjured himself to criminate me, and ignored all knowledge of facts with which he was perfectly familiar, which would exculpate me. A son of his, about nineteen years old, a high-minded and worthy young man, of more than the ordinary intelligence of those of his age and opportunities, in whom I had taken a great interest, and latterly treated as a companion, was a clerk in my house many months, including all the time the revolutionary party were in possession of the town. He was familiar with all that passed in my house from day to day, as I was in the habit of consulting with him upon the liberties taken by Valverde in assuming the whole charge of the establishment, and my protesting against the operations of General Marcus Adon in the yard, and that the result of my remonstrances against these liberties and intrusions was the abandonment of the place by all but forty or fifty men of the revolutionary army, including all the generals, except the one appointed *commandante de armas* of the district. While those people occupied my house he took his meals and slept at his father's house, and no one can believe, as General Ramirez frankly admitted to me, that he did not tell his father what passed in my house. I asked for time to call him as a witness, and also my cook, who was equally familiar with all that passed in my house each day. They could have him here in twenty-four hours, but even this favor was denied.

The sixth witness called and examined in secret by the prosecutor was Sinfierio Batista, instead of the *alcalde*. He had been equally zealous in the revolutionary cause, entertaining daily five or six of the general and other officers at his own expense, and volunteering his services in every way needed. He, with Santiago Talivera, the one who furnished the bread, and the representative man of the town, met the officers of the steamer *Telegraph* on

the wharf and gave them information of the situation of the rebel cause, while I was in my house and saw no one until after the day of her arrival; he, too, being well aware of his great crime and its serious consequences if put upon trial, and like the others, seeing the disposition of the government toward me, perjured himself to criminate me, well knowing my entire innocence. Why these three, the greatest of all the criminals, according to the ruling of the government in similar cases, are still at liberty, I am left to conjecture, nor does it become me to inquire. For myself, I do not consider them guilty under the circumstances; the government abandoned the town two or three weeks before it was occupied by the revolutionary party. They came with a large force, in perfect order, and maintained order while there, treating all alike. Looking to them for protection, they were in duty bound to yield obedience to their mandates; any other course would expose them to persecution, if nothing worse.

Proceeding with my trial, after the process had been read and my petition for a postponement refused, the prosecutor opened the case with an argument (if it could be called such) of more than two hours in length, the chief points of which were my *antecedents*, as he called them; that is, the private correspondence between the brother of President Baez while they were both out of office and out of the country, and in which he was the aggressor and I was the aggrieved party. This matter, as you will remember, was arranged between the President and myself by your intervention, and would, therefore, have been ruled out of order in any respectable court to produce it now. Your correspondence with the minister of foreign affairs, which followed the arrangement, formed part of the process, and on these points the chief part of his time was occupied. He charged me with having broken my pledge, given through you, not to take any part in the political affairs of the country, and yet not a particle of evidence had been produced to prove it. The witnesses examined in secret might, of course, have been questioned by the prosecutor upon that point, but it would seem they could not go so far in their servility as to declare that I had ever done anything in opposition to the government, while I had always been so conspicuous in its service.

The letter of General Ramirez to the President, which belonged to that correspondence, and which was handed to you with so much satisfaction by the President, as it proved the interest I had taken in his government, would, if it had been produced with the other letters, have refuted the charge, but it was not there. I complained of this unfairness to General Ramirez after the trial. He said it being a private letter it could not be used in court. I replied that the President having handed it to you to copy, it had then become a public document, and that if I had been aware of the letter's proving part of the process against me, and time had been allowed, I should have produced a copy of the letter with your certificate and the seal of the United States. His next chief point was the scandalous negotiation of the notes of the rebels, of which I took four, representing some \$45 or \$50 from the poor people, who held them at a quarter or a third of their nominal value, out of consideration for them, and not to favor the revolution. He had but little to say upon the occupation of my house and the proceedings there, as I had frankly admitted all that in my declaration. After he had concluded, my counsel read the defense he had prepared, and which was all that could have been expected in the short time allowed him; and then I read a short defense I had prepared the morning before the trial, explaining my course in Barahona before and during the occupation by the Cabral party. I also made a speech of half an hour's length upon the unfairness and injustice of the whole proceedings, declaring my entire innocence of any act or deed against the government, which I could easily have proved if opportunity had been allowed me by the court, and to which I was entitled by common consent in all tribunals in civilized countries. I saw, however, from the commencement that my sentence had been agreed upon beforehand, and no defense that I could make would avail anything. Since the time of the inquisition, history records no trial so entirely in keeping with the trials before those infamous courts, differing only in that the trial was held in open court. The whole proceedings were as far from the spirit of justice as deadly poison is from the spirit of life. A fair illustration would be: a stone was tied around my neck, I thrown into water, and told to save myself. The debased and depraved were examined secretly in prison, and if they were not told in advance that their lives would be saved if they criminated me, such may, with propriety, be presumed was the fact.

Those of them, the first examined, were set at liberty, and yet all the evidence of the seven criminals who testified against me amounted to little of anything more than I admitted in my declarations, only that I was free from all responsibility under the circumstances. One other fact shows but too plainly the disposition of the court: that while the prosecutor had a table and chair within the railing, my counsel was kept outside with the crowd, although I asked that he be allowed to sit by me, as it was especially necessary in my case—a stranger, knowing nothing of the law and customs—that he should be where I could confer with him. The prosecutor, apparently of pure African descent, is gifted with an extraordinary fluency of speech, though much given to repetition; violent and rude in his manners; of a very malicious and revengeful disposition, and an insolent tongue—just the kind of man to be effective with the low and ignorant, such as the six men forming what was ridiculously called the court.

The trial was closed at ten o'clock at night, having lasted twelve hours. I was then remanded back to prison to await the result of the deliberation of the court. At twelve I was again escorted to the court-house and then informed that the decision of the court was that I was culpable on the charges preferred, when I was again returned to prison to await

the decision upon the sentence. At four o'clock in the morning I was summoned again, when the solemn farce of sentence of death, by the unanimous decision of the court, was read to me, at the conclusion of which the prosecutor demanded that the sentence be put in execution without delay. Notwithstanding the grave and serious character of the sentence, it was a great relief to me to part with such an assemblage and such scenes the last time. I was told by one who was present during the four hours of deliberation upon the sentence that a majority of the court seemed to be in favor of an acquittal, but were overawed by the prosecutor, who was acting under instructions from the government, as was too evident; and such is the terror felt by every one in opposing its will, they did not dare give expression to their convictions.

At ten o'clock a. m. of the same day, the 2d, I sent a message to General Ramirez, acting governor of the province, with the special request for an interview. He was confined to his bed, but graciously allowed me to visit him, in company with the commandante, without a guard. I protested against the whole proceedings, and against the execution of the sentence; that all the evidence tending to criminate me was presumptive—nothing positive; that even admitting, for the sake of argument, that I had consented to the occupation of my house by the Cabral party, that could not be considered a crime under the circumstances; and it was evident that the government did not so consider it, from the fact that notice had been taken of the voluntary and more important services rendered by those of its citizens who had been called to testify against me, and still at liberty. Without admitting fully all that I said, he promised to do all in his power to obtain a pardon, and dictated the letter asking it. He likewise gave me to understand, without making any positive promise, that I might rely upon its being granted.

Letter of Davis Hatch to J. Somers Smith.

AZUA, October 25, 1869.

I wrote you last on the 18th instant. I am still without any communication from you. It would be a great satisfaction to me, if only to hear that my letters had been received. Twenty-four days have elapsed since my sentence, and eighteen since the receipt of the official notice of its commutation; and I am still held a prisoner, without knowing why, or the probable time of my release. I have had no communication with General Ramirez, the acting governor, since the 2d instant, before reported to you, and my self-respect forbids my seeking one, even were I sure by so doing I could obtain my release, for reasons hereinafter stated. He visits the comandancia almost daily, without looking into my room, which shows a disposition to avoid any further communication with me. A few days after I was notified of the commutation of the sentence, hearing from one and another that I was to embark for the capital by the first opportunity, I sent a request to the acting governor to be allowed to go on board the Pomeria and remain until an opportunity offered, giving as a reason for the request, that want of air and exercise were retarding my convalescence. He replied very shortly, manifesting some degree of anger, that he had done all he could for me.

Different versions are given of the cause of my detention, by different individuals, all of whom are frequent visitors at headquarters. One reports the absurd story that the papers connected with my trial are not yet all copied, and that I cannot leave until they are ready to be sent with me; another tells me that no orders have yet been received from the government to send me to the capital; a third tells me, with some degree of significance, that I am perhaps detained fearing I might take some steps to obtain redress. To this last I merely replied that my consul was in possession of all the facts, and if he thought proper would represent my case to my government without any instructions from me. I place little credence in any of these reports. As you know my whole course in San Domingo, and all my relations with the government of Mr. Baez, you cannot be at a loss to know the cause of my detention here, so entirely in keeping with all the proceedings against me. When you shall have seen a copy of the record of my trial, you will be better able to judge whether I have had just cause of complaint or otherwise. I have been several days without fever, but my strength returns slowly. Such confinement, and under such aggravating circumstances, to one always accustomed to an active life is exceedingly trying and irksome.

Hoping to hear from you by the Como, due to-day, and with kind regards to Eugene, I remain, sincerely and truly, your friend,

DAVIS HATCH.

Letter from Davis Hatch to J. Somers Smith.

AZUA, November 1, 1869.

I wrote you last by Como, 25th ultimo. I am still without a line from you. Como of to-day not yet arrived. I know as little as ever of the cause of my continued incarceration, or

of the probable time of release. Please address a note to the minister of foreign affairs and ask him to let you see all the papers relating to my trial and sentence, that you may make a report of them to your government, as is customary in all countries where a stranger has been tried.

Though not considered obligatory on the part of the government to exhibit the record of such trials, the withdrawing of them would, nevertheless, be regarded as a consciousness of their weakness in support of the judgment that may have been given. I have never known an instance where the courtesy was refused. Time enough has elapsed since the trial (one month to-day) for the government to be in possession of the papers, where, according to the practice here, they rightfully belong. I do not think they have yet been forwarded, but there can be no valid reason why they should not have been. I am desirous that you should see them and take notes of them before I am sent out of the country. Even though the government should have proved my criminality in certain decrees of theirs, (which I do not, of course, admit,) the question still remains, has any government the right to enact an *ex post facto* criminal law, which is an evasion of the restraints of international law as applied to foreigners?

I have already given you the particulars of the trial allowing me but forty-eight hours, after hearing whereof I was accused, to prepare my defense, and that I was not permitted to know who the witnesses were who had testified against me until the trial commenced. My applications for postponement were refused. The government had employed, according to their judgment, as fiscal or prosecutor, the ablest lawyer in the republic, while there was no lawyer in the district for my defense.

Please send the inclosed to Mr. —.

Very truly and sincerely, your friend,

DAVIS HATCH.

Letter of Davis Hatch to J. Somers Smith.

AZUA, November 7, 1869.

I wrote you last on the 4th in answer to yours of 28th ultimo. I hear from the captain of a sloop that the Tybee was in sight going in on Sunday; hope to have a letter from you by Como, due this day, with news by her.

The two government vessels are still down the coast, and I don't hear that they are expected here at present. The sloop leaves for the city on Saturday, but I don't think I shall be allowed to embark on her, from the treatment hitherto received. It is too evident they intend to keep me here until the last possible moment. I have obtained from three of the principal witnesses in my trial, including the alcalde, a certificate, of which I inclose a translation. They would rather not have signed their names to any such paper, for reasons well understood, but the alcalde said: "There is nothing here but what we all know to be true, and we need not be afraid of the truth."

This completely refutes the labored argument of the fiscal that I had broken my pledge to the government, given through you, not to take any part in the political affairs of the country. For what took place while the Cabral party occupied the town I cannot be held responsible. If the government considered me responsible for what they did on my premises, why have they left their own citizens free, who rendered direct voluntary services to them, far more important than anything done on my premises?

This confinement and suspense, and the disgraceful and distressing scenes I am obliged to witness daily in this building, (the comandancia,) are trying beyond anything you can conceive.

Kind regards to Eugene.

Sincerely, your friend,

DAVIS HATCH.

[Translation.]

AZUA, November 7, 1869.

At the solicitation of Mr. Davis Hatch I have pleasure in certifying that I have known him intimately during his residence in Barahona; that he has never taken any part in political questions, nor been mixed up in any way in the political affairs of the country. He has always been on good terms with all the authorities, and through them has rendered great service to the present government.

He has likewise always been on good terms with all the people of Barahona, and of the towns above and below Barahona; and in consequence of his friendship with all, and the respect all entertained for him, nearly all the people of Barahona were in the habit of taking their effects to his house; and as many as could slept there when any disturbance was apprehended, and there was no military force or authority in town to maintain order; and neither he nor any one in his house were ever molested until the arrival of the troops under command of General Garcia, on the 14th August.

When the revolutionary party took possession of the town, some of the chief officers went to his house, according to a custom for several years past, when the town has been occupied

by new authorities, until they could make permanent arrangements elsewhere. This has been in consequence of the extraordinary size of the house, and of its central position.

General Garcia likewise occupied it with all his staff when he took possession of the town on the 14th August.

FERNANDO FELIZ, *Alcalde*.
ELIAS RANNUS.
SINFERIO BATISTA.

WASHINGTON, June 9, 1870.

RAYMOND H. PERRY sworn and examined :

By the CHAIRMAN :

Question. What is your official position ?—Answer. I am at present commercial agent of the United States at San Domingo.

Q. When did you assume the duties of the office ?—A. On the 16th of November, 1869.

By Mr. HOWARD :

Q. When were you commissioned as commercial agent at San Domingo ?—A. The last of October, 1869 ; I do not remember the exact date.

Q. And when did you arrive there ?—A. About the 12th of November ; and I relieved Mr. Smith, my predecessor, on the 16th.

Q. If any other Americans accompanied you to San Domingo, state who they were.—A. Mr. Prime, now the resident manager of the National Bank of San Domingo, and Mr. Fabens were on the steamer.

Q. Did you receive a formal commission from the President of the United States ?—A. My commission as commercial agent was from the State Department, signed by Hamilton Fish. I am not a full consul ; full consuls receive commissions from the President, commercial agents from the Secretary of State.

Q. You received a paper giving you authority to act ?—A. Yes, sir.

Q. What other function did your commission bestow upon you except that of commercial agent ?—A. None.

Q. Did it authorize you to form a treaty ?—A. No, sir ; that was a separate commission, which was brought out on the Albany by General Babcock.

Q. What was the date of that ?—A. I have it here, (presenting a paper ;) this is my original commission from the President, dated November 6, 1869 :

“ ULYSSES S. GRANT, PRESIDENT OF THE UNITED STATES OF AMERICA,

“ *To all to whom these presents may come, greeting :*

“ Know ye that, reposing special trust and confidence in the integrity, prudence, and abilities of Raymond H. Perry, commercial agent of the United States at the city of Domingo, in the Dominican Republic, I have invested him with full and all manner of power and authority, for and in the name of the United States, to meet and confer with any person or persons duly authorized by the government of the Dominican Republic, being invested with like power and authority, and with him or them to agree, treat, consult, and negotiate of and concerning the cession of the dominions and sovereignty of the Dominican Republic to the United States, and also of and concerning a lease to the United States of the portion of such domains contiguous to the Bay of Samana, including the said bay, and all matters and subjects connected therewith ; and to conclude and sign a treaty or treaties, convention or conventions, touching the premises, transmitting the same to the President of the United States for his ratification, by and with the advice and consent of the Senate thereof.

“ In testimony whereof I have hereunto set my hand and seal, and caused the seal of the United States to be affixed.

“ Done in the city of Washington, the sixth day of November, in the year of our Lord 1869, and of the independence of the United States of America the ninety fourth.

[L. s.]

“ By the President :

“ U. S. GRANT.

“ HAMILTON FISH, *Secretary of State*.”

Q. Where were you when you received this document ?—A. At San Domingo City.

Q. At what time did you receive it ?—A. On or about the 18th of November, 1869.

Q. Did any other person, so far as you know, hold a similar authority from the President of the United States in regard to the formation of a treaty ?—A. No, sir.

Q. Did you, while there, hear of any other person having any official authority from the President of the United States to negotiate respecting that treaty ?—A. No, sir.

Q. Do you believe there was any such person there ?—A. Not officially ; not with a commission.

Q. So that, so far as you know or have reason to believe, you can say, I suppose, that you were the sole person authorized officially, by formal document, to negotiate respecting the formation of that treaty ?—A. Yes, sir

Q. Did you there become acquainted with a man by the name of Hatch?—A. Yes, sir.

Q. Where was he when you became acquainted with him, and who introduced you to him or him to you?—A. It was after his release that I became acquainted with him; I had demanded his release.

Q. What condition was he in when you first knew of his being there?—A. He was in confinement at Azua.

Q. Did you understand for what he was there in confinement?—A. I understood that he had been assisting Cabral in different ways, and also Baez.

Q. Did you understand that he was charged with the offense of having assisted Cabral's party?—A. Yes, sir.

Q. Did you understand that he had been tried on charges before a court-martial?—A. Yes, sir.

Q. Go on and state all you know about that trial.—A. If I am to go into the question of San Domingo I shall have to go into a broad scope, and I would rather that you should put to me questions and ask me to answer them specifically.

Q. Did you understand what was the result of the trial?—A. He was sentenced to death, and the sentence was commuted to banishment from the island, in October, 1869.

Q. Commuted by the President of the republic, Baez?—A. Yes, sir. When I first went to San Domingo, there were three or four Dominicans who had taken protection in the commercial agency, men who had deserted from Baez's army, and one of them was guilty of murder. I got rid of those men on my arrival. I did not think it was proper to give such men protection; I thought it was weakening the authorities there by protecting such men. I stated so to the government there, and also to the State Department at Washington.

By Mr. SCHURZ:

Q. Were they Dominicans?—A. Yes, sir; and when I turned those men over to President Baez, he promised me that he would release Hatch at once; that he would have him sent up immediately from Azua. I called upon him several times about it, but they kept delaying it and postponing it, and he was detained six or seven months after they had promised to release him.

By Mr. HOWARD:

Q. While you were there, of course you had some conversation from time to time respecting the imprisonment of Hatch, and the causes of his imprisonment, and the nature of his trial. State to the committee whether you heard any complaint made by him, or by his friends, that the proceedings on his trial were contrary to the course of the law which prevailed on the island.—A. Yes, sir; I did understand so.

Q. State what was the irregularity or defect in the proceedings which was complained of.—A. I understood from his friends, and also from himself, that he was allowed no time to procure witnesses, and that the men who were brought against him as witnesses were men who had been confined in prison, and after their evidence was given they were released.

Q. My inquiry relates particularly to the formalities of the trial: whether in the trial there was any departure from the usual forms of law observed in that republic?—A. I did not hear that there was.

Mr. SCHURZ. Allow me to ask here whether the witness is acquainted with the usual forms of trial observed in San Domingo.

Mr. HOWARD. My question is not whether he understood what the forms were, but whether he heard any complaint that there was any departure from the forms; but I have no objection to his answering the question of General Schurz.

The WITNESS. My opinion of the forms of trial, and also in relation to military matters and everything else there, is not a very exalted one. Everything is done entirely under the influence of the President. Even the senate is handled completely by his will.

By Mr. HOWARD:

Q. I will read to you two sentences from the statement of Mr. Hatch, contained in his petition, in order to call your attention to the matters there stated: "On the 16th of November the undersigned was informed (unofficially, but by a person in the confidence of the governor, and coming directly from him) that he was to embark the next day in the government schooner Capotilla, but returned again in the evening and informed him that orders had just been received to hold him in prison until further orders. The undersigned firmly believes that the reason for this change was in consequence of the arrival in San Domingo, on the 12th day of November, of the new commercial agent, Mr. R. H. Perry." Have you any recollection of the events of the period referred to in this statement?—A. No, sir.

Q. State to the committee whether you at any time, directly or indirectly, interfered with the authorities at San Domingo to have Mr. Hatch longer detained?—A. I did everything I could from the moment I arrived in San Domingo to have him released.

Q. Answer my question distinctly; did you interfere, directly or indirectly, to have him detained longer?—A. No, sir.

Q. Again he says: "The undersigned wrote four letters to Mr. Perry, after hearing of his arrival—the last one dated on the 6th of December—informing him of what his predecessor

sor had done in his case, and what the government had promised in regard to his release, and requested him to renew the demand; but no letter or message was ever received from him, nor did the undersigned know that he had done anything to obtain his release until the day before he was released." Have you any remarks to make about that?—A. No, sir.

Q. Did you ever receive letters from Mr. Hatch requesting you to interfere to obtain his release?—A. Yes, sir, I received several.

Q. Did you reply to them?—A. I did not.

By Mr. WILLIAMS:

Q. Why did you not reply?—A. From the time I received my commission in Washington I had been influenced against that man by all parties who had been concerned with this annexation movement and concerned with the island, and had been advised by all those parties not to intercede for his release.

By Mr. FERRY:

Q. Name the parties.—A. I understood here in Washington, when I first started for San Domingo, that Mr. Smith had been relieved because he was not the right man in San Domingo at this time to bring about this annexation movement; that he was opposed to parties there; and Mr. Fabens also told me on my way down that he hoped I would not intercede in this man's behalf; that he would be a barrier to annexation, and also a great enemy him and Mr. Cazneau.

Q. Give the first names of Fabens and Cazneau.—A. Joseph W. Fabens; William L. Cazneau.

By Mr. HOWARD:

Q. So that you did not reply to Mr. Hatch's letters?—A. I did not reply to his letters; but I sent him two or three messages, by parties who were going direct to Azua, that I would do all I could to obtain his release.

Q. When you did interfere to obtain his release, were you acting under instructions from the State Department or voluntarily on your own motion?—A. When I first went there, I did it voluntarily on my own motion; but after getting the order from the State Department I insisted upon it and demanded it.

By the CHAIRMAN:

Q. State the date of that order.—A. I have it at my hotel; it was some time in January, 1870.

By Mr. HOWARD:

Q. Was it in a dispatch from the Secretary of State?—A. Yes, sir.

Q. Instructing you to do what?—A. At first he told me to use my good offices in Mr. Hatch's behalf; did not give me any direct orders. The next official communication I got was a direct order to demand his immediate release, which I did do. They tried to put me off again, saying that he would correspond with the papers of the North and influence parties against annexation. This was the excuse Baez and Gautier made; and then I wrote a long communication to Gautier—a copy of which is in the State Department, which they did not answer—saying that their excuses were not sufficient grounds to hold the man. They gave me no answer, and I called the next morning. They wished to put it off until I could write further to Washington about it, which would have taken about two months. I then went to my house and wrote another communication demanding his immediate release, naming that afternoon for an answer. They did not give me an answer that afternoon, and so I referred the matter to Admiral Poor, going out to his vessel to see him on the subject. He got in his boat immediately, came ashore with me, and demanded Mr. Hatch's release within forty-eight hours.

Q. And he was released?—A. Yes, sir.

Q. What became of him; do you know?—A. He came up from Azua to San Domingo, and went on the man-of-war Antic to Havana, and returned on the Spanish steamer on the way to St. Thomas; landed at San Domingo by permission of Admiral Poor, obtained his trunks, papers, books, &c., and then went on his voyage to St. Thomas, where I understand he now is.

Q. Have you any reason to suppose he has come to the United States?—A. I do not know. He may be in New York at this moment for aught I know. The last I heard of him he was in St. Thomas.

Q. How long ago was that?—A. It was about three weeks ago. I will give you my reasons for not wishing to correspond with him or any one since I have been in San Domingo. I have been very cautious about writing letters to any one except the State Department, because I was holding a peculiar position there as plenipotentiary and commercial agent at the same time, and I was very cautious about signing any papers or writing any letters to any one. Those I have written I have very carefully kept copies of.

Q. But you say you sent him verbal messages?—A. I sent him two or three verbal messages that I would intercede in his behalf, and do what I could for him; and those messages I know were delivered. I have seen Mr. Hatch since.

Q. Did he say that he received the verbal messages?—A. Yes, sir.

Q. About what time did you send those verbal messages?—A. I sent him one shortly after my arrival.

Q. That was about what date?—A. He must have received almost immediately one message in a letter from Mr. Smith; Mr. Smith wrote him that I would do all I could to obtain his release; he must have received that letter about the 20th of November.

By Mr. SCHURZ:

Q. Was Mr. Smith at that time in San Domingo?—A. Yes, sir; I relieved Mr. Smith, and he wrote a letter to Mr. Hatch before he left.

By Mr. HOWARD:

Q. You certainly sent him those messages long before the date of his document from which I have read to you, which is May 13, 1870?—A. Yes, sir.

Q. How long, in the whole, were you resident in the island of San Domingo?—A. About seven months.

Q. Was Mr. Hatch on the island during all that time?—A. Nearly all the time; he left a few weeks ago; he was in confinement all the time I was there.

Q. Did you become well acquainted with the character, the reputation of Mr. Hatch while you were there?—A. Yes, sir.

Q. State to the committee what was generally said of his character as an honest man.—A. He stands among the merchants of San Domingo as a No. 1 in regard to honesty in his business connections. I have heard all the merchants speak very well of him.

Q. Was he a man of property?—A. He had means; he had a store and was engaged in the salt mines; I understand he was agent of the salt mines for parties in New York.

Q. Do you mean to say that he owned property there in his own right, or was it owned by the association whose agent he was?—A. He was the agent for property, and he had property in his own right.

Q. Did he own a farm?—A. He had a house and owned some land.

Q. Had he his family there?—A. No, sir; his family are living in Connecticut.

Q. Had he no family with him?—A. None with him on the island.

By Mr. WILLIAMS:

Q. You say that certain persons influenced you not to intercede for the release of Mr. Hatch because he would oppose annexation. On what ground did they say he would oppose annexation?—A. Because he was opposed to Baez and these men, Cazneau and Fabens, and their friends, who were working for annexation.

Q. Did you understand from these representations that he sympathized with Cabral, or was with Cabral as against Baez? Was that the allegation which was made against him?—A. No, sir; I never understood that he sided more with Cabral than he did with Baez. There has been almost constant war in the island. Sometimes one party is in power and sometimes another.

Q. You say you understood that he was opposed to Baez?—A. Yes; but he is opposed to Baez only since Baez has imprisoned him and persecuted him the way he has. He is now bitterly opposed to him. He told me in San Domingo City, after he was released, that he was not opposed to annexation, and was strongly in favor of it, inasmuch as his interests lay entirely in that way; but he had been so persecuted by these parties that it had made him bitter against them, and for revenge he would take these steps.

By the CHAIRMAN:

Q. What parties?—A. Baez and his party, and Cazneau and Fabens, and their friends.

By Mr. WILLIAMS:

Q. You understood, then, that Fabens and Cazneau and Baez were on one side, and Hatch on the other; that they had quarreled?—A. Yes.

Q. They represented to you that he was opposed to annexation, and would interfere to prevent annexation?—A. Yes, sir.

Q. And therefore they thought it not advisable to have him released?—A. Yes, sir.

Q. He represented to you that he was in favor of annexation, but said he would oppose them for revenge?—A. Yes, on account of the manner in which he had been treated.

By Mr. VICKERS:

Q. When you applied for Mr. Hatch's release, what reason did Baez and his friends assign for not releasing him?—A. The confinement of Hatch was entirely through the influence of Cazneau. One morning, shortly after I got the first communication from the State Department, asking me to use my good offices in Mr. Hatch's behalf, to do what I could to secure his release, I went to President Baez's room, and requested the release of Hatch. I met Mr. Cazneau in the room; and when I made this request of Baez, Cazneau opposed it openly. At the same time Cazneau was interceding for two Dominicans, who had been guilty of murder at Samana Bay, and Baez in my presence promised him the release of those two men. Then I spoke to Baez, and told him that I thought it was outrageous that an American

citizen, like Cazneau, coming from Texas, as he did, should be interceding in behalf of those Dominicans, and obtaining their release, when I was asking for the release of an American citizen, and could not obtain it.

By Mr. HOWARD :

Q. Is Cazneau from Texas?—A. Yes, sir; from Eagle Pass.

Q. Was he a confederate?—A. Yes, sir.

Q. In the confederate service?—A. I am not very certain about that.

By Mr. SCHURZ :

Q. Was he a sympathizer with the rebellion?—A. He sympathized very strongly with it. That was one ground Hatch used against him when he was sought to be appointed minister from the United States at San Domingo.

By Mr. VICKERS :

Q. What reply did Baez make to that?—A. He admitted to me that it was partly through Cazneau's influence, and I asked him why it was that Cazneau had such influence over him. He told me that Cazneau was in direct correspondence with the President of the United States, and knew of all the plans of our government, and knew the wishes of our government. I know myself that Cazneau was in direct communication with the departments here.

By the CHAIRMAN :

Q. Had he anything to do with the making of the treaty?—A. No, sir; but I understand that it was he and his party that first started the annexation movement.

Q. Had he anything to do with making the treaty that you signed?—A. No, sir; but he was present during all the interviews and all the conversations.

Q. Did he hold any official position?—A. No official position.

Q. Did anything come under your observation or knowledge, while there in your official capacity, in regard to Hatch giving to some ship, or vessel of some kind, a bill of health or some permit to go to sea?—A. I have heard, but not directly, that some such transaction did take place; but that vessel has been captured.

Q. Was there any such charge made against Hatch by Baez and those people?—A. I think there was. All the charges are in the State Department.

Q. What was that charge in substance?—A. It was assisting a vessel of Cabral's to clear from one of the ports on the San Domingo coast.

By Mr. SCHURZ :

Q. Did Baez allege that as one of the grounds why Hatch should not be released?—A. I think he did. I think that is included in the charges at the department.

By the CHAIRMAN :

Q. At what time was it claimed that he had assisted that vessel to get out of port?—A. That was before my arrival there. It was some two or three months before my arrival.

Q. Did you learn what that vessel did; what character of vessel it was?—A. Yes, sir; I understood that she was there with a party opposed to Baez, and was at San Domingo, and two of the Dominican gunboats, two small schooners, went there to capture her. She cleared from the port, and she was afterward captured and taken to St. Thomas, where they have had a long law-suit about her; and she has been cleared and her owners brought a claim for \$12,000 damages against Baez.

Q. Was she claimed to be what they called a rebel craft?—A. No, sir; they could not bring her under the head of a rebel craft.

Q. Was that what they claimed?—A. The Baez party so claimed.

Q. Did you hear of her firing into ports?—A. I heard that she did fire some shots into Porta Plata.

Q. Who was in command of her?—A. I think Luperon at the time.

Q. Did he belong to the party of Baez or of Cabral?—A. Of Cabral's party.

Q. Was it a Dominican port that she fired into?—A. Yes, sir.

Q. Do you know anything about an order having been sent from Washington to our men-of-war to capture that craft?—A. I heard that there was such an order.

Q. Do you know of any vessel having brought additional coal to coal a vessel to go after her?—A. No, sir.

Q. By whom was she captured?—A. I do not know much about the particulars of the capture. It took place before I arrived.

Q. Did you ever converse with Hatch about that vessel?—A. No, sir; I did not see Hatch more than three-quarters of an hour the first time; he went right off the same night that he arrived; and I saw him about an hour the next time I met him.

Q. Did this transaction take place before Mr. Hatch's arrest?—A. It must have taken place before his arrest.

Q. How long was this before you got there?—A. It must have been fully three months before.

Q. Was the vessel captured before you got there?—A. Yes, sir.

Q. And you do not know by whom?—A. I do not.

Q. When was the matter adjudicated?—A. About a month ago. I got the news from St. Thomas two weeks before I left San Domingo.

Q. The question whether or not she was a rebel craft has been determined since the release of Mr. Hatch?—A. Yes, sir.

By Mr. HOWARD:

Q. Where was the treaty of annexation prepared?—A. It was prepared at President Baez's headquarters, and signed in my office in San Domingo.

By Mr. VICKERS:

Q. When you received the directions of the government to demand Hatch's release and you went to Baez, what did you say to him and what was his reply then?—A. It was in a written communication, a copy of which is now in the State Department.

Q. Did Baez reply in writing?—A. They replied in writing that they wished to defer the matter; that they had given their reasons for not releasing him, and they still thought he would be an injury to the treaty; "prejudice the people of the North" was the expression.

Q. Did you make any second demand in person for his release?—A. I sent the letter in the afternoon, and called the next morning for an answer. They wished to defer the answer; they wished me to write another communication to the State Department at Washington, again explaining the reasons why they kept him in confinement. I told them I could not wait longer, that I must have his immediate release. I went then to my house, wrote a short communication demanding his immediate release, and asking an answer that afternoon. The answer did not come, and I went to Admiral Poor's vessel. He came on shore with me and demanded Mr. Hatch's release. They gave him the same excuse they had given me, saying he would write to the press of the North and work against Baez and his party.

By Mr. FERRY:

Q. You say that when you first went out to San Domingo Mr. J. W. Fabens went out with you?—A. Yes, sir.

Q. And you had heard of Mr. Hatch's case before you went out, or on your way out?—A. Yes, sir.

Q. Which was it, before you went out, or on the way out, that you heard of his case?—A. General Babcock first spoke of his case at the Executive Mansion, before I started from here.

Q. What did he say to you about his case?—A. He told me the circumstances of his case, and that he would rather I should not intercede in his behalf; and he also told me the same thing in San Domingo.

Q. What reason did Babcock give for you not interceding?—A. He argued the same that Baez and his party did, that Hatch would work against annexation, and that he was an enemy to Cazneau and his friends.

Q. That was before you got to San Domingo?—A. That was before I sailed on the steamer.

Q. And Fabens was on the same steamer with you?—A. Yes, sir.

Q. On your arrival at San Domingo did Mr. Smith, your predecessor, communicate to you the particulars of Mr. Hatch's case?—A. Yes, sir. He told me that he was kept there entirely through the influence of Fabens and Cazneau.

Q. Is Fabens an American citizen?—A. Yes, sir.

By Mr. VICKERS:

Q. Where is he now?—A. I think he is in New York.

By Mr. FERRY:

Q. Did Mr. Smith request you to continue the intercessions in behalf of Mr. Hatch?—A. He asked me if I would do it. I told him that as soon as I examined into the case I might be able to do something for him, but I could not at present because I wanted to know the truth of the matter.

Q. Then you received those letters from Mr. Hatch and sent him some messages?—A. I sent him messages. I did not write to him, because I did not wish to put myself in his power, one way or the other.

Q. How long after your arrival was it before General Babcock arrived?—A. It was only some four or five days.

Q. You have been inquired of as to your powers in negotiating that treaty. Now, I desire to ask you what were your instructions relative to General Babcock, in connection with that treaty?—A. To follow his instructions, and consult with him on all points.

By Mr. SCHURZ :

Q. Did you receive those instructions in writing?—A. Yes, sir; from the State Department.

By the CHAIRMAN :

Q. Have you those instructions with you?—A. No, sir; I have them at Willard's Hotel. I have a copy with me.

Q. Will you produce that?—A. These are documents from the State Department. According to the consular regulations, I have no right to show to anybody the communications between the State Department and myself. I can give you a list of the documents, and you can call for them from the State Department if you choose.

By Mr. FERRY :

Q. State whether the negotiations with respect to this treaty were participated in in any way by General Babcock.—A. He was sent on that errand, and he was present at every interview with Baez and his cabinet, as was also General Sackett.

By Mr. SCHURZ :

Q. Who is General Sackett?—A. He is from Philadelphia. He is an officer in the army. He acted as interpreter.

Q. Did General Babcock conduct those negotiations; was he the principal man?—A. Yes, sir; he was. He brought out the full orders and full particulars in relation to them, and the original directions.

Q. Did you take any active part in those negotiations at all as to stipulating the details of the treaty?—A. I was present during all the conversations in relation to the treaty; but I had very little to say about the treaty itself.

Q. You had instructions from the State Department to govern yourself according to the instructions you should receive from General Babcock?—A. Yes, sir.

By Mr. FERRY :

Q. While you were there did you have interviews or conversations with General Babcock in relation to Mr. Hatch's case after you had informed yourself about it?—A. Yes, sir; I asked General Babcock, the day before the Albany left, why it was that I could not get the release of Mr. Hatch; that I had been promised his release a great many times, but they kept putting me off, time after time, and I did not like it. He told me I had better not apply for his release; at any rate not to do so until after he had left the island.

Q. What reason did he give?—A. He gave the same reason he had given before, that Hatch would work against the treaty, and was an enemy to that party.

Q. After your return to Washington, did you have any conversation with General Babcock about the release of Mr. Hatch?—A. Yes, sir.

Q. When and where was that?—A. It was the morning of the floral gathering at Arlington, on Decoration Day. I met General Babcock on that morning at ten o'clock, or a little after ten. We were speaking about one matter or another, about San Domingo; and he said that it was a great pity that I had had that man Hatch released. I told him that I had direct orders from the State Department to secure his release. Then he said I could not help it, having received those orders; but it was a mistake, and that the President was very much displeased about it.

Q. Did he say anything further about it?—A. Nothing further in relation to Mr. Hatch.

By Mr. SCHURZ :

Q. Did you have any reason to suppose the President was displeased with you?—A. I think there are a great many things in relation to San Domingo that the President knows nothing about. I have written a full history of the matter, and I have twenty-four pages now in my pocket that I intend sending to the State Department to-morrow, giving a clean straightforward story of the whole thing, from the time I first went there till I left. I think that is the fairest thing to do.

Mr. WILLIAMS. That is not an answer to the question.

The WITNESS. I was inquired of in relation to San Domingo.

Mr. WILLIAMS. You were asked if you had any reason to suppose the President was displeased with you in relation to the release of Mr. Hatch.

The WITNESS. I answered the question by saying that there were a great many things about San Domingo that the President did not know anything about, and so he should not be held responsible for them.

By Mr. FERRY :

Q. Had you been down to Azua yourself?—A. No, sir.

Q. Then you did not know the prison in which Mr. Hatch was confined there?—A. I did not.

By Mr. SCHURZ :

Q. Do you know of anything having been done to procure the release of Mr. Hatch except by Mr. Smith and yourself?—A. No, sir; nothing has been done.

Q. Was there nothing done to procure his release while the negotiation of the San Domingo treaty was going on?—A. Nothing.

By Mr. VICKERS:

Q. How often did you converse with General Babcock on the subject of Mr. Hatch particularly?—A. Several times while we were in San Domingo. His confinement was a thing that annoyed me.

Q. Did you speak of it as a great outrage upon an American citizen?—A. I considered it so.

Q. Did you speak to General Babcock on the subject with feeling and with earnestness?—A. Yes, sir.

Q. Did you express an earnest desire that he should interfere?

The CHAIRMAN. The witness had better state what he did say.

The WITNESS. I told General Babcock that I thought it was an outrageous thing; that Mr. Hatch was a mere political prisoner; that a great many political prisoners who were more deeply engaged in the revolution than himself had been pardoned, some of whom were then living in the country, and some had been banished; that he was a mere political prisoner, and an American citizen too, and I thought he ought to be released at once.

By Mr. SCHURZ:

Q. What was the status of Mr. Hatch then; had his sentence then been commuted to exile?—A. It had been commuted to exile or banishment then.

Q. So that he was virtually held after his pardon?—A. Yes, sir; his sentence of death was commuted to banishment, in October, and he was kept in confinement six months after that.

By Mr. VICKERS:

Q. It was during that period, then, that you made the application for his release?—A. Yes, sir.

By Mr. WILLIAMS:

Q. You say that you received instructions from the State Department to demand his immediate release at a certain time?—A. Yes, sir.

Q. How long was that after General Babcock had left?—A. It was over two months.

Q. Two months after he had returned to Washington?—A. Yes, sir.

Q. How was that order procured? by your representations?—A. Yes, sir. I had written to the State Department several times stating that Mr. Hatch was kept there through malicious purposes and for financial reasons, as I thought, because parties were trying to get possession of his property. The salt mountains that he held possession of have been given out, since the signing of the treaty, to another party.

By Mr. SCHURZ:

Q. To whom?—A. I think Judge O'Sullivan holds the papers.

Q. What O'Sullivan?—A. He is called Judge O'Sullivan. He was here the other day.

By Mr. WILLIAMS:

Q. Are all your representations on the subject among the papers in the State Department?—A. Yes, sir; and I have copies of them myself.

By Mr. SCHURZ:

Q. You say the salt mountain was granted to or acquired by Judge O'Sullivan. Do you understand that Judge O'Sullivan holds it alone, or with other parties?—A. I understand that he holds it in company with other parties.

Q. What parties, do you know?—A. I understand that the brother of the President, Don Carlos Baez, is connected with him.

Q. Are Cazneau and Fabens in any way connected with the salt mountain?—A. I think not with the salt mountain.

Q. What position did Judge O'Sullivan occupy in San Domingo, or what were his relations with the government of the Dominican Republic?—A. He has been there merely as an adventurer. He has held no regular official position.

Q. What were, to your knowledge, his relations with Cazneau and Fabens?—A. They have not been on friendly terms at all.

By Mr. WILLIAMS:

Q. How long has Cazneau been in San Domingo?—A. Several years; I think eight or ten years.

Q. Then, when you say he was a confederate, you mean a man who sympathized with the confederacy?—A. He sympathized with the southern confederacy during the war, and spoke openly in San Domingo in favor of it.

Q. As you have heard?—A. As I have reliably heard.

By Mr. SCHURZ :

Q. Do you know what the political proclivities of Fabens were during the war?—A. I do not.

By Mr. HOWARD :

Q. Can you say anything about the feelings of the masses of the people of San Domingo in regard to annexation?—A. I think there is a majority strongly in favor of annexation, but we cannot get at the opposition, for there has never been a regular vote on the island.

By Mr. SCHURZ :

Q. In what way was the vote taken that was taken?—A. It was entirely by force. The prisons were full of political prisoners during the election, and so full that President Baez wanted Admiral Poor to give him a place at Samana Bay to empty his prisons in, which Admiral Poor refused. He told President Baez that he could not make an Island of Po of Samana.

By Mr. HOWARD :

Q. Then you have no doubt about the majority of the people being in favor of annexation?—A. I think they are.

Q. What is the ground of that belief on your part?—A. Because I have heard it spoken of very freely by Cabral's party and Baez's party both. Cabral is in favor of annexation.

Q. While there, did you mingle with the mass of the people so as to have an opportunity of ascertaining their sentiment on the subject?—A. Yes, sir.

By Mr. SCHURZ :

Q. Where did you mingle with them?—A. At Samana, Porto Plata, and some twenty or thirty miles in the country back from San Domingo City.

Q. Were you further into the country than twenty or thirty miles?—A. No, sir.

Q. Were you anywhere near the Haytien frontier?—A. No, sir. There has been a great deal of excitement since I have been there, and I did not feel like going a great way from the city of San Domingo.

By Mr. FERRY :

Q. Did you ever go to Sibal?—A. No, sir.

By Mr. SCHURZ :

Q. You say the election was held by force. What measures were adopted by Baez to influence the electors?—A. A list or paper was opened in the police headquarters, and men came in and signed their names for annexation. Any man who protested against it was locked up. That is the truth of it. Baez told me that if any man protested against it he would either send him his passports or confine him in prison. A great many men, who are really in favor of annexation, are opposed to it on account of the manner in which the election was conducted.

Q. Sending a man his passports means banishment, I suppose?—A. Yes, sir. There were a great many banished while I was there.

By Mr. VICKERS :

Q. Banished from the island do you mean?—A. Yes, sir.

By Mr. HOWARD :

Q. For voting or talking against annexation?—A. Yes, sir.

By Mr. WARNER :

Q. Can you give the names of any persons who were banished for that reason?—A. I cannot give names. I know that all the consuls were called to meet one morning at the house of the Italian consul. Three men had taken refuge there who were speaking against annexation. The consuls met together to see what had best be done with them, as they had sought refuge in the Italian consulate. Baez sent their passports to them at the consulate, and they had to leave the island the next day on a schooner. Those are three instances among a great many.

Q. What was the position of Cabral himself as to annexation?—A. Cabral and all his party are in favor of annexation; but they want to have a hand in the matter.

By Mr. SCHURZ :

Q. How do you know that he is in favor of it?—A. Because I have conversed with his strongest friends in San Domingo City.

By Mr. WARNER :

Q. What prominent men of his party?—A. Men who are of his party do not own up that they are of his party. There are three or four members of the senate of San Domingo to-day

who are strongly in favor of Cabral. There is a very strong feeling throughout San Domingo for him.

Q. When you say that they are in favor of annexation, do you mean that they are in favor of this treaty?—A. They are in favor of the annexation of the island, but not in favor of the treaty the way it was conducted. They do not approve of the way it has been conducted.

By Mr. VICKERS:

Q. What do you mean by saying that the Cabral party want to have an interest in it, or a hand in it?—A. Cabral and his officials want to have the credit, the reputation of bringing the matter about.

By the CHAIRMAN:

Q. Then it is a controversy between the two leaders?—A. Yes, sir.

By Mr. SCHURZ:

Q. I understood you to say that so many persecutions took place that Baez asked Admiral Poor to accommodate some of his prisoners at Samana Bay?—A. Yes, sir.

Q. Was that on account of their opposition to the treaty?—A. Yes, sir; most of them were political prisoners opposed to the treaty. During the voting there were a great many arrested in the city of San Domingo and confined, and there were two or three attempts at revolution at night in San Domingo City, Porta Plata, and other points.

By Mr. WARNER:

Q. If the people were generally in favor of annexation, what was the occasion of using force?—A. Because they were allowed to express no opposition to it. There were parties opposed to it, but they were not allowed to express their opposition, and that embittered them and embittered others in favor of it, their friends.

Q. But if the people were generally in favor of annexation, why should Baez have occasion to resort to any force or intimidation to control the election?—A. He wanted to send on here reports that there was no opposition to it. He represented only eleven votes in San Domingo City opposed to it, where there might have been several hundred in favor of it and some few hundred opposed to it if he had opened the polls regularly: but he permitted no opposition.

By Mr. HOWARD:

Q. Were you there at the time the election was held?—A. Yes, sir.

Q. Was there any actual force used about the voting places?—A. They could not use any force there. There were over two hundred soldiers there at the time this was going on. It was right over the police headquarters, and they used soldiers for police. The police force are soldiers, and there are always two or three companies there.

Q. Suppose a voter should have gone to the polls or to the paper you mentioned, and recorded himself as opposed to annexation, was there any danger in his doing it?—A. A man did do it the first day the polls were opened, and he was sent to Azua by the army.

Q. Sent off on that account?—A. On that account. He was arrested on the spot. He was the first man that opposed it.

By Mr. WARNER:

Q. How many votes were cast against the treaty?—A. I think fifteen or sixteen in San Domingo City.

Q. In the whole republic?—A. I do not remember the exact number. I have the memorandum at my hotel.

Q. You do not mean to say that all those who voted against annexation were put in jail or banished?—A. No. It was desirable to have some few votes in opposition to it, and at Porto Plata and also at San Domingo City I know of parties who were called upon and requested to sign the paper in opposition.

By Mr. SCHURZ:

Q. Do you think that was for the sake of demonstrating that it was a free election?—A. Yes, sir. I know it to be the fact. The people in San Domingo are just as much opposed to these things as we are here in the States, and it made them feel very bitter against it.

By the CHAIRMAN:

Q. At the time of making this treaty, you say you were present at all the conversations. Was there anything in those conversations that was not understood by all?—A. No, sir; I think everything was perfectly understood between Baez and his cabinet on the one side and the government of the United States on the other.

Q. Did the treaty as made receive the sanction of Baez and his cabinet?—A. Yes, sir.

Q. And he was the actual President of the republic?—A. Yes, sir.

By Mr. HOWARD:

Q. You signed it on the part of the United States?—A. Yes, sir.

By the CHAIRMAN :

Q. At the time you signed that treaty, did you read it carefully?—A. Yes, sir.

Q. Was there anything in it that did not receive your sanction?—A. No, sir; I should like to have seen a more full statement of the public debt of the island.

Q. Was there anything in the treaty that did not suit you?—A. That was a part of the treaty; a part of the papers to be filed with it.

Q. Was there anything in the treaty that was not fully talked over?—A. That was the main point.

Q. What was that?—A. The public debt of the island.

Q. What further did you want on that subject?—A. There is no positive information what the debt of the island is. The Dominican government themselves do not know it.

Q. Was there positive evidence to be procured as to the debt of the island?—A. The public debt of San Domingo is a mixed question. I have had a talk with Mr. Gibbs, the head man of the treasury there, and a good many officials, and they say there is no accurate account given of the debt of San Domingo.

Q. Have they got it themselves?—A. They do not know what it is.

Q. To your own knowledge, was there as accurate information as you could obtain at the time in regard to the debt?—A. Yes, sir; I think it was as accurate as could be obtained at the time.

Q. Aside from that, was there anything in the treaty that did not receive your full sanction?—A. There was another point: General Babcock knows whether Baez wrote the letter to Hartmont—I do not know it; I never saw the letter—refusing further advances on the Hartmont loan. I understood from General Babcock that Baez had written it.

By Mr. HOWARD :

Q. Refusing to receive any further advances on the Hartmont loan?—A. Yes, sir.

By the CHAIRMAN :

Q. Did that receive your sanction?—A. Yes, if the letter was delivered.

Q. Was there anything else in the treaty, except the uncertainty as to the public debt, that did not receive your sanction as an officer of the government of the United States?—A. No, sir.

By Mr. SCHURZ :

Q. I understood you to say that you had received instructions from the State Department to govern yourself according to the instructions which you might receive from General Babcock?—A. Yes, sir.

Q. Were you consulted in particular, when the treaty was drawn up and negotiated, as the responsible negotiator of the treaty on the part of the United States?—A. General Babcock consulted me on all the points in relation to the treaty.

Q. Did General Babcock show to you special instructions with regard to the details of the treaty?—A. Yes, sir.

Q. Was the treaty already drawn up before you entered into negotiations?—A. The original directions came out with General Babcock, from Washington, and he had authority to vary the wording as his judgment dictated.

Q. Had you any authority to that effect?—A. My authority was to follow the directions of General Babcock.

By Mr. HOWARD :

Q. Do you mean to say that there was a *projet* of a treaty sent from Washington by General Babcock?—A. General directions.

Q. Mere instructions how the treaty was to be drawn up, what provisions it should contain; or was it a sort of draught or *projet* or rough sketch of a treaty?—A. I think there were regular articles.

Q. Embodied in his instructions?—A. Yes, sir.

By Mr. SCHURZ :

Q. A treaty fully drawn out?—A. Yes, sir.

By Mr. HOWARD :

Q. Were those instructions substantially carried out in the treaty which you signed?—A. Yes, sir.

By Mr. VICKERS :

Q. In your interviews with General Babcock in reference to the treaty, did you speak to him about the importance and necessity of obtaining fuller knowledge of the public debt of San Domingo before the treaty should be signed?—A. I spoke to General Babcock once or twice about the public debt of the island, and also asked him if he had obtained the letter

from President Baez in relation to the Hartmont loan. Those two questions I asked him, and those are the only two questions I did ask him in relation to it. I thought those points were important.

By Mr. SCHURZ :

Q. Had you, before you went to San Domingo, had any experience of diplomatic negotiations?—A. None whatever.

Q. Did you receive here, before you left, any instructions with regard to that treaty?—A. No, sir.

Q. Did you go there with the understanding that you were to be the officer to sign the treaty?—A. Not when I left here. It was not even spoken of then.

Q. So you received the first instructions in regard to it through General Babcock?—A. Yes, sir, at San Domingo.

By Mr. HOWARD :

Q. When you started for San Domingo, had you been advised by the State Department or by the President what was the object of the mission upon which you were sent to San Domingo?—A. No, sir.

Q. You had not received any such information?—A. I had not.

By Mr. FERRY.

Q. Do you know whether Hartmont has a concession for a railroad from Santiago to Samana?—A. It is reported that he has; but I understand the time is up and that road has been given to another party. The time was up and he lost the road.

Q. Do you know whether he had a concession for a steamship line?—A. Yes, sir, on the river running into Samana. His time was up on that also, and that has been given to another party.

By the CHAIRMAN :

Q. The charter forfeited?—A. Yes, sir.

By Mr. VICKERS :

Q. What was the situation of Cabral and his force when you left?—A. He had no formidable force. He has neither men nor money. He has no force at all. Luperon is at Turk's Island.

By Mr. SCHURZ :

Q. Did President Baez ever intimate to you what his situation would be if the protection which the United States had afforded him were withdrawn?—A. He told me that he and his cabinet would have to leave the island, all of them.

Q. He expected the revolution, then?—A. Yes, sir.

By Mr. HOWARD :

Q. By whom was he to be driven out?—A. By the citizens there right in the city of San Domingo.

By Mr. SCHURZ :

Q. Did he tell you so himself?—A. Yes, sir; and I know it from all hands there. Even parties strongly in favor of annexation are strongly opposed to that man. A very bitter feeling has sprung up since the election commenced. The way it was conducted has turned some of his best friends against him.

Q. Do you know of any attempts on the part of the Dominican government to make grants, or of private parties to obtain grants, from the Dominican government since the treaty of annexation was concluded?—A. Yes, sir. Mr. Cazneau made application, on the 28th of April, for a grant of 200,000 acres, and three of the senators called upon me and told me it was before the senate. The brother of the President, Don Carlos Baez, called upon me to ask me if I would oppose it in writing, saying that unless I did oppose it they would have to grant it. I called upon Minister Gautier and asked him if such was the fact. He told me no; there was no such grant before the senate. I had previously called upon three of the senators, and they told me that Gautier had called upon them that morning and appointed the day and hour to have the grant called up and have it approved by the senate. I then went directly from them to Gautier's and asked him if such and such was the fact, in the presence of Mr. Delmonte, the minister of justice. He denied it. They both denied it. After they told me the falsehood they did, I went directly to my house and wrote a communication to the senate, and also wrote a note to the President inclosing a copy of my communication to the senate, protesting against it as a breach of article 6 of the treaty. The President did not reply; but Gautier replied to the note I wrote to the President inclosing a copy of my communication to the senate stating that I had no business to make any protest against it, and wanting to know how I considered myself accredited in that country, &c.—a pretty sharp note, to which I replied. All those communications are now in the State Department.

By Mr. FERRY :

Q. Did you mention to General Babcock at any time the fact that you had made these representations ?—A. I have spoken of it since I have been here.

Q. What did he say to you in reply ?—A. He said it would have been better not to have opposed them if it would affect the treaty ; he thought those things could be arranged after the treaty was settled.

Q. Do you know when Judge O'Sullivan got this Hatch salt-mine grant ?—A. It has been obtained quietly since. Everything has been done unknown to me there for the last month before I left, because I was contesting all these things before the senate, and disproving of them. There have been a great many attempts to obtain very extensive grants there ; one of a railroad from San Domingo City to Azua, a mile on each side of the road, which would take in two hundred miles of the finest land in San Domingo.

Q. Who was in that ?—A. A man by the name of Schumaker, from Baltimore. He represents a man named Montiquemeau, who was banished from San Domingo, and also banished from France, and has gone to Jamaica.

By the CHAIRMAN :

Q. The grants you opposed were not consummated ?—A. They told me they were not, but I have positive information that they were. I saw a man who called on me at Willard's Hotel only a few days ago. He was from Baltimore, and came to make inquiries in relation to these parties living there. I drew from him a great deal of information, and he took some letters from his pocket. He read me the contents of them ; and, among other things, this very man Shoemaker had been writing him, telling him that his concession was granted ; that he held the papers for it. The concession of these salt mountains to O'Sullivan has also been granted within the last few weeks.

By Mr. WARNER :

Q. How are such grants made ?—A. They are approved before the senate.

Q. But by whom are they made in the first place ?—A. Parties apply for them before the senate, and the senate approve or disapprove.

Q. Do the senate make the grant ?—A. Yes, sir.

Q. Do they require to be approved by the President afterward ?—A. The President has really the sole charge of everything. The senate is directly under him. They cannot act in anything without consulting him.

Q. Does he take the initiative ? Does he first make a grant as our President makes a treaty, and then submit it to the senate to be confirmed ?—A. Yes, sir.

Q. Are the sessions of the senate open or secret ?—A. Both open and secret ; it depends on the subject.

By Mr. FERRY :

Q. How many members are there of the senate ?—A. Twelve.

By Mr. SCHURZ :

Q. Are these things transacted in the senate in secret session ?—A. Some of them are.

Q. Is such business as these grants considered in secret session ?—A. Concessions of lands are considered in secret session.

By Mr. FERRY :

Q. Is there any house of representatives ?—A. No, sir.

Q. Everything is done by the president and the senate of twelve men ?—A. Yes, sir ; the president is the man ; the senate does not amount to anything.

By Mr. VICKERS :

Q. Is the senate under the President's influence ?—A. Directly. The senators who called on me at my house told me that unless I did disapprove of these things they would have to approve them.

Q. Did they ask you to protest against them ?—A. They asked me to protest against them. The brother of the President, Don Carlos Baez, was one, and Pedro Gariedar, president of the senate, another.

Q. Did they express any personal apprehensions ?—A. They said it was in direct violation of the treaty. They had a copy of the treaty in the senate chamber.

Q. Were they apprehensive of any injury to themselves if they refused to acquiesce in his recommendations to them ?—A. Yes, sir.

By Mr. HOWARD :

Q. You have spoken of O'Sullivan obtaining a salt mine. Do you refer to the same salt mine that was granted to Hatch ?—A. Yes, sir.

Q. How did O'Sullivan get the title or claim to that salt mine ?—A. That is the question.

Q. From Hatch ?—A. No, sir ; from the Dominican government, through the influence of Don Carlos Baez, brother of the President.

Q. Had it been confiscated to the government ?—A. I think so. I tried to make inquiries in relation to these things, but I could get no information with regard to them.

Q. Your surmise is that that grant had been confiscated?—A. Yes, sir; it must have been so.

Q. Confiscated on account of the crime which had been alleged against him?—A. I suppose so; it is all supposition on my part.

Mr. FERRY. The papers show that it was long before that.

The CHAIRMAN. Mr. Hatch states that Baez annulled the grant when he came into power.

By Mr. HOWARD:

Q. Do you know how the fact is, whether Baez had annulled it or not?—A. That I cannot tell, because I asked the party who held the papers the direct question, if they held such grants, and they denied holding them. These things are all kept quiet until the annexation matter is settled. I have also asked Baez direct questions in relation to things concerning the island, and they told me direct falsehoods, and I have told them that they were falsehoods when they told them to me.

By Mr. VICKERS:

Q. Did you talk so to the President?—A. I would talk so to any president that told me a falsehood.

By Mr. SCHURZ:

Q. Do you know of any other persons who are admitted or are supposed to have obtained grants since, or who tried to obtain grants?—A. There are a great many small grants given out constantly, of a few hundred acres or so, but not so extensive as those I have spoken of.

Q. Since the signing of the treaty?—A. Yes, sir; but those can be annulled.

By Mr. FERRY:

Q. Was the government of Baez issuing any more paper money?—A. Not when I left there.

Q. Do you know whether there has been any paper receivable for customs, dues, or anything of that kind, issued by the Baez government?—A. All their paper money is receivable for customs dues; but they are now demanding twenty-five per centum of the customs dues to be paid in specie.

By Mr. HOWARD:

Q. You have no means of forming any estimate as to the amount of lands granted since the signing of the treaty?—A. I cannot tell, because I cannot get the truth from those people. They do not know how to speak it.

Q. Have you reason to apprehend that it is considerable?—A. I should think so.

By Mr. WARNER:

Q. Has not the Republic of San Domingo a written constitution?—A. Yes, sir.

Q. Have you a copy of it?—A. No, sir.

By Mr. VICKERS:

Q. Have you ever made an estimate of the amount of the national debt there?—A. No, sir. That is the question we were just speaking of. No one can get at the truth about it.

Q. Can you make no conjectural estimate?—A. No, sir. Parties in the treasury department there told me that there were a great many old claims which, in all probability, would be brought up if anybody was responsible for them, but at present the government has no money, and they are lying back. I know that Hartmont, and Spofford and Tileston are rather anxious that we should take that loan at present, as they are anticipating a heavy claim against our government for the steps we have taken setting aside the English loan. At least, Hartmont so expressed himself to me in San Domingo.

By Mr. HOWARD:

Q. How much has the republic received from what is called the Hartmont loan? Have you any idea?—A. \$250,000.

Q. Is that all?—A. Yes, sir; £50,000.

By Mr. SCHURZ:

Q. Have you any accurate and reliable information on that point?—A. I have the word of Gautier and Baez, and Hartmont himself.

By Mr. HOWARD:

Q. Did Hartmont state that to you?—A. Yes, sir.

Q. Where was he when he so stated; on the island?—A. Yes, sir; in San Domingo.

By Mr. WILLIAMS:

Q. What is your judgment about the expediency or advantage of annexing San Domingo to the United States, from your knowledge of the country, and the condition of things there,

leaving out these incidental matters?—A. All these violations of the treaty can be overcome, of course.

Q. I am aware of that; it would be a fraud on the government of the United States if any grants were made in violation of the treaty, particularly to persons who knew of the existence of the treaty. But I am inquiring in a general point of view, in view of the condition of the country, its value and advantages, what is your judgment as to the expediency of annexing it to the United States?—A. The island itself is one of the most beautiful islands in the world. It has every facility for raising coffee, sugar, and tobacco, and the mines are fair, though they are not what they have been represented to be; I know a great many miners have been there exploring the whole country. The gold is too scattering to make much out of. When the Spaniards were there and had slaves, they could make a great deal of money working the mines, because they fed the darkies on bananas, and it did not cost much to clothe them. As to the expediency of annexing the island, if they had had a fair square vote, and we know exactly what opposition there was to annexation on the island, we could tell more about it. There is a church party there, the same as there is in Mexico, which is a very strong party, and there is quite a large portion of that church party opposed to annexation. The priests lead them in opposition to it, thinking that by the consummation of annexation they will be deprived of a part of their church rights, &c.

By Mr. HOWARD :

Q. What is the prevailing religion there?—A. Catholic.

Q. Are there any Protestant churches there?—A. There is a small church, a negro church, in San Domingo City.

By Mr. WILLIAMS :

Q. Assuming that a majority of the people are in favor of it, do you think that country would be a valuable acquisition to the United States?—A. Yes, sir; a very valuable acquisition.

By Mr. HOWARD :

Q. And do you favor the annexation as a measure?—A. I am too young a man to decide such a question as that.

Q. I mean, in your own mind?—A. There are some ticklish points to be looked at.

By Mr. SCHURZ :

Q. You have been a soldier, have you not?—A. Yes, sir; I have been with Sheridan the last four or five years, and during the war I was in the army.

Q. Suppose there were a party on the island strong enough to raise armed opposition to annexation and to draw a large number of people into an insurrectionary movement, what would you think of a war on that island?—A. If the island is brought in as a Territory, and we have the appointment of the governor, and the custom officers, and the marshals, and all the officers, and they are taken from the United States, a revolution cannot be started on the island with a lot of wide-awake Yankees from the United States there.

Q. But, suppose they did start a revolution?—A. They could not do it. I will guarantee to go down there with one hundred men and do all the fighting on the island.

Q. Do you remember anything of the history of the Spanish occupation of that island?—A. Yes, sir.

Q. When they lost a great many men?—A. I know, but Spaniards and Americans are different men.

Q. You think the Americans, if they had to do the same business the Spaniards did, would find it much easier; that is to say, would they find it much easier to subjugate the people there engaged in guerrilla warfare?—A. No, sir; I do not think they would, because the nature of the country is such that if we had to hold it by the bayonet, we should have to lose a great many men, and it would cost us a great amount of money; it would be impossible to whip those fellows into subjection. The only way to do would be to hold all the public offices by American citizens for a while until they were educated to civilization.

Q. You say it would be impossible to whip them into subjection; why?—A. Because the nature of the country is such that you cannot get after them.

Q. So you think a guerrilla warfare there might be very formidable?—A. Yes, sir.

By Mr. VICKERS :

Q. Are they a brave people?—A. They fight well in the bush, like the Mexicans.

By Mr. WARNER :

Q. If this government were in possession of the island, do you think there would be any organized opposition?—A. I do not think there would. If we appointed all the officers from the States they would have control of the island; but if you put the offices in the hands of the men on the island, there would be trouble constantly. They will not trust each other. They are tricky and treacherous. They get tired of being governed by each other, and they want somebody to handle them.

By Mr. SCHURZ :

Q. In your opinion the only way to rule the island would be to rule it by a very strong government of force?—A. Very strong.

By Mr. WARNER :

Q. How much force would it require?—A. That depends on the way the thing is handled, and who has the handling of it.

By the CHAIRMAN :

Q. Suppose Americans have?—A. But I am asked how many men it would take to handle them. There is a certain way of handling men and handling people that everybody does not understand. These people want to be treated with an even course right along day after day, month after month, and year after year—one steady rein on them.

Q. What did you mean when you said that if officered by Americans you would do all the fighting there with a hundred men?—A. Just what I said, with Americans holding all the ports, and the offices through all the towns, it would be very easy to control the island.

By Mr. SCHURZ :

Q. By garrisons?—A. You cannot control these people with soldiers in garrison. As soon as you commence fighting they can do as much fighting as any nation on the face of the earth, in the woods and mountains.

By Mr. VICKERS :

Q. You mean under the control of very discreet and prudent men, who would treat them with great mildness and forbearance, and who understood their character?—A. Yes, sir; and then have a sharp special force of detectives throughout the island, and the very first man who made any attempt at revolution, or an outbreak, or anything of that kind, send some one after him that would "lose" him.

By Mr. SCHURZ :

Q. Shoot him you mean?—A. Yes, sir. There are such spirits that have to be ferreted out.

By Mr. VICKERS :

Q. What do you suppose to be the population?—A. The exact number cannot be got at. It is variously estimated from 80,000 to 160,000 or 170,000.

By Mr. WARNER :

Q. If the United States were fairly in possession of the island, is there any party there that would make anything like an organized opposition to our possession?—A. There is a party, but it does not amount to much, it is so weak. The opposition to annexation is very small. I think there is a two-thirds or three-fourths vote on the island in favor of annexation.

Q. Are there any leading men, civil or military, who could rally around them any great party, or who would be disposed to lead a movement in opposition to our possession of the island?—A. The leading generals there now, Hungria and Camanaro, who control most of the soldiers, are strongly in favor of annexation.

By Mr. SCHURZ :

Q. Those are Baez's generals?—A. Yes, sir.

By Mr. VICKERS :

Q. What is the complexion of the inhabitants?—A. On the sea-coast, pretty black; further back, lighter.

Q. Real negroes?—A. Yes; about one-half are pretty black.

By Mr. WARNER :

Q. You said a while ago that Don Carlos Baez, brother of the President, was, as you thought, interested in the salt-mine concession. What evidence have you of that?—A. I know the positive fact that he obtained it for O'Sullivan.

By the CHAIRMAN :

Q. As his agent or as a principal?—A. I understand that he is concerned with him; that he has an interest in it.

By Mr. WARNER :

Q. On what facts is your belief founded?—A. The information I have is positive. A conversation took place between Judge O'Sullivan and another gentleman. That is positive information in relation to it. It is from O'Sullivan's own mouth. Not only that, he was exhibiting the papers to this party since I have been in Washington.

Q. Did you hear the conversation?—A. Yes, sir.

Q. Who was the other party?—A. I would rather not name him, if you will excuse me.

It is a gentleman of high standing. I do not want to give more names than I can properly. O'Sullivan has been there on the island, and has the reputation of being there to "grind his ax," and therefore I have no objection to giving his name, but I do not feel like drawing in the names of outside parties.

By Mr. VICKERS:

Q. Were the grants you spoke of antedated so as to appear to be dated before the treaty?—A. I cannot tell you about the date. The grants have been given since the signing of the treaty. They may be dated back. I understand that a great many of the grants that have been given since the signing of the treaty have been dated back so as to hold good against the United States.

By Mr. WARNER:

Q. You say you understand that. How do you understand it?—A. I understood from parties in the senate. There is a split in the senate. Parties who are not particularly fond of the administration of Baez and his cabinet gave me the information and kept me posted while there.

By Mr. VICKERS:

Q. How is the senate appointed?—A. The President has the appointment of them.

Q. Can he discharge one and put in another?—A. Yes, sir.

By Mr. WILLIAMS:

Q. When did you return to the United States from San Domingo?—A. I arrived two weeks ago Friday.

Q. Have you been in Washington ever since?—A. Yes, sir.

Q. Are you here by order of the State Department?—A. I am on leave of absence for sixty days.

Q. At your own request?—A. Yes, sir.

O. E. BABCOCK sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?—Answer. I am stationed in Washington.

Q. You belong to the army of the United States?—A. Yes, sir; I am in the Corps of Engineers, United States Army.

Q. How long have you been stationed here?—A. Since the close of the war. I came with General Grant when he came here after the close of the war, in 1865. In April of that year, after the surrender of Lee's army, he came here.

Q. Did you go to San Domingo last fall?—A. I went first in July.

Q. What did you do when you went there?—A. I went as a special agent of the government. My instructions were given me by the State Department, in writing, and I had various conversations with the President as to the subject matter of my trip, the President telling me that a number of parties had reported to him that there was a desire on the part of the people of San Domingo to become annexed to the United States. He did not at the time name to me the name of any party who had so represented. He said that according to the evidence in the State Department there was a difference of opinion. By some it was thought that only a portion of the government officials there were in favor of annexation, but that the President of the republic was not. My instructions were to go to the island and have a conversation with President Baez myself; and for that purpose I was furnished with a passport and the ordinary letter accrediting me to the secretary of state of that government, and also a letter introducing me, from President Grant to President Baez.

By Mr. SCHURZ:

Q. A personal letter?—A. No, an official letter; but it was to assure President Baez who I was, that he might have direct intercourse with me.

Q. Did that letter give you any official character?—A. No. Merely introducing me, and telling him that I had served with him, and that I was visiting the island by instructions. I forget what the language was; but it is in the official matter published before the Senate.

Q. Then it was a letter of personal introduction?—A. I have not got the letter here. I do not know the technicality of the point made.

Q. The point I wanted to make was, whether it was a letter of credence, or whether it was simply introducing you.—A. It was a letter of credence, I think. The President informed me that he understood President Baez spoke English, and that I should have no trouble in communicating with him. In accordance with these instructions, I left New York about the 17th of July, I think—but I am not positive as to the exact day in July—on the steamer Tybee for San Domingo, reaching there in about eight days, touching at Turk's Island. The first point on the island of San Domingo that I reached was Porto Plata. I afterward went to Samana, and then to San Domingo City. On arriving at San Domingo I found that President Baez was absent from the city, was at Azua, about one hundred miles west of San Domingo City, and on Ocoa Bay. As I went on board the steamer

in New York to go on to San Domingo, I found on the wharf Senator Cole and Mr. J. W. Fabens, commonly known as Colonel Fabens, Mr. O'Sullivan, and a gentleman by the name of Hennen. I did not know any of them were going, except that at the house of Spofford and Tileston (the firm sending the steamer, who had offered to the State Department a passage for any one going down) I met Mr. Fabens. He was the only one I knew who was going on the steamer. I did not know that Senator Cole was going until I met him on the wharf. Senator Cole wished to return immediately. My instructions verbally from the President were, that if I found, on conversation with President Baez, that this information was incorrect, that he did not entertain the idea of annexation, I might return immediately on the steamer; but that if I found he did entertain it, I was to stay over at least one steamer, or, if necessary, longer, and get as much information as I could in reference to the island in all respects, as to its productiveness, its fertility, its size, and as to the inclination of the people for annexation. Finding the President at Azua instead of San Domingo City, and Senator Cole wishing to see him before returning in the steamer, which would leave in four days, we procured the services of the steamer Tybee to run to Ocoa Bay, that we might go to see President Baez. Azua is about three miles from the landing. We went there and found the President with a portion of his army, that he had gone to review, and remained there only that night, returning from Azua on board the steamer the next day, the President remaining there. The Tybee then returned to New York, and I remained on the island, at San Domingo City and in the interior, about forty days. In about ten days from the period of my return to San Domingo City, President Baez returned, and soon after I presented my letter of credence, &c., to him, and had a very free conversation with him in reference to the subject of annexation, when he told me that he was in favor of annexation, and that his cabinet were with him in favor of it, and he was satisfied that a great majority of his people were in favor of annexation. I told him that I had no authority to make any treaty; that I had only come for matters of information; and I addressed him a memorandum as to points that I should like information upon—the population; the distribution of the population; the indebtedness; the nature of the indebtedness; the square miles; a copy of the constitution; and some other matters of information, which were enumerated in my letter of instructions. I procured, before leaving, answers to all of those points, which on my return here I placed on file in the department. I told President Baez that I had no authority whatever to make a treaty, nor could I bind President Grant in any respect as to a treaty; but I should be very willing to take back any suggestion or any proposition he might have to make to the President of the United States; that I would take it back for his action. I told him that while I could not bind our President, I would give him my opinion of whether it would meet with the approval of President Grant. We were a number of days in the different discussions of these matters of information. Let me say here that I found that President Baez could not speak English, so that I saw that we required an interpreter. I could not speak French enough to carry on a discussion with him.

By Mr. HOWARD:

Q. Do you speak Spanish?—A. No, sir. My knowledge of Spanish and French is simply this: I can read French very well, and can read Spanish somewhat, and can talk enough for traveling purposes to go about the country, as I did in Mexico; not enough, however, to carry on a discussion or conversation of this kind. I told President Baez that President Grant had informed me that he understood he spoke English, but that I saw he did not, and we should have to have an interpreter. He said to me that we might have either his attorney general, Mr. Delmonte, or we might take Mr. Hennen, who went down with us, who spoke French, but did not speak Spanish; or we might take Mr. Cazneau or Mr. Fabens, or any of those gentlemen he knew. He told me that Mr. Fabens had come to this country with his entire approbation in the representations he had made to this government, as to his wish and the wish of his government to be annexed.

Q. Had Mr. Fabens been at Washington before this, making representations on the part of Baez?—A. It seems that he had, but President Grant had not told me that at the time. It appears that he was one of the parties who had come here and made such representations. I did not tell President Baez why I had made up my mind not to accept Delmonte as an interpreter; it was because he did not understand the construction of the English language. He can read it very well, but he does not understand it so as to talk very fluently. Only the day before, President Baez and myself commenced the conversations on the subject, and without my ever consulting General Cazneau in reference to it, we settled upon him as interpreter. In that way I became acquainted with General Cazneau. The result of this was that President Baez directed Mr. Gautier, the secretary of state, to reduce to writing a certain memorandum, which was to be kept in entire confidence by President Grant, unless acted upon. It was to certify simply what he and I agreed on. It was agreed that I might show it to President Grant to satisfy him that President Baez was in favor of this; and that if anybody was sent out properly authorized to make a treaty, he would abide by this memorandum. It was signed simply by Gautier and myself as understanding that, in case some person was sent out to make negotiation of a treaty, if any question of dispute should arise in relation to this memorandum, each of the documents would have our signature. It was

signed without any official capacity, but simply signed, "Mr. Gantier" and "O. E. Babcock."

By Mr. SCHURZ :

Q. Did you annex any official title to your signature?—A. No, sir, neither of us ; on my return I presented that memorandum to the President and to the Secretary of State.

By Mr. HOWARD :

Q. At what time did you return?—A. I left there on the 6th day of September, reaching New York on the 14th ; the trip is about eight days. Going back to the time of the discussion, some time during the month of August, one day a little man-of-war, as they termed it, (it is nothing but one of the light-ships at New York,) forming one of their men-of-war, came in with a prize, as they represented it, of the Danish bark, the Rocco, and they reported to me that this bark had been captured at Barahona ; that she had been consigned from St. Thomas to a gentleman by the name of Hatch, an American, who was living there at Barahona, and they had ascertained, by information from St. Thomas, that she was going there, and they had sent the Calliope, this little vessel, and the Alta Gratia, another vessel, and had seized her just as she was entering the port of Barahona. The captain came up with this vessel ; I saw him, but did not converse with him. He was brought, of course, as a prisoner, and the vessel was libeled according to their course—I do not know the process—and was condemned. The captain of her consulted with a young gentleman by the name of Hennen, who went down with us, who was a lawyer from New York, and he told me in conversation that he thought it was a pretty certain case that the vessel was violating the laws, and was properly condemned ; and he said it was very hard on the captain, as the captain had evidently been deceived. In sending him from St. Thomas they had not let him know that Barahona was not a port of entry, and that, by the laws of that republic, any vessel entering in that way to a place not a port of entry was liable to condemnation. The vessel was sold ; I think the sale took place when I was there, but I am not positive about that ; and the government bought her in and retained her.

Q. You say this vessel had been consigned to Hatch?—A. That is what was represented to me, and that was the first information I ever received in reference to there being such a person as Mr. Hatch. To my knowledge and remembrance now, it was the first information I ever knew of such a man. They told me that Hatch was a man who had joined the Cabral party in opposition to the government, and that this vessel had on board munitions of war, and correspondence going to the Cabral party, through the vessel consigned to Mr. Hatch. They then told me that they were going down there with a force to drive off the few Cabral people that were there. Soon after, on the morning of the 22d of August, I think—it was a Sunday morning, and the custom in that country is for the officials to pay their respects to the President on Sunday morning—we had been discussing the matter I referred to as to annexation ; and Mr. J. Somers Smith, United States consul, came in with the other consuls to pay respects to the President. Mr. Smith very soon introduced the subject of Mr. Hatch, stating that he understood Mr. Hatch had been arrested and that he was on his way there in irons, and he wanted a copy of the charges. The President, Baez, turned to General William L. Cazneau, interpreter, who was there, and asked him to interpret for me, turning from Mr. Smith, and then told him to tell me what he was telling Mr. Smith. The substance of what he said was : "Mr. Smith, I allowed Mr. Hatch to come back here on your representations and on your pledge as the representative of the American government that he would not oppose the republic ; and what do I find but he is there at Barahona and joined with the Cabral party, and this vessel has been consigned to him, and his house has been used as an arsenal, and when the troops went down there he fled into the woods, but they went and found him in the bushes ;" and other charges of that kind. He told me that he was on his way there to be tried. Mr. Smith represented that this man Hatch was a man of importance ; that he was a friend of Mr. Schell and other people in New York in reference to a salt grant, and that he had been a correspondent of the New York Times, and things like that. Very soon the conversation ceased, Mr. Smith and the President exhibiting considerable feeling.

By Mr. SCHURZ :

Q. Did you interfere in any way in that conversation?—A. No, sir ; I simply listened to what they said. After Mr. Smith went out, President Baez told me that Mr. Hatch had been arrested, and was then at Azua, on his way to San Domingo City, to be tried, and asked me about it, and I said : "Mr. President, you must be certain that you are right in the question of law, if you try Mr. Hatch for any such thing ; if you have the proof positive that he has been attempting to overthrow your government, I do not suppose our government will in any way interfere in the case ; but you must be very certain that your evidence is entirely correct." That is all the opinion or instruction I ever gave to him about it. Once or twice during the conversation he referred to Mr. Hatch, and to the part that Mr. Smith, in the interest of Mr. Hatch, had taken, and I invariably answered in that way, that if he had any charges against Mr. Hatch he must make them out in writing, and send them to the State Department in Washington ; that I had no authority to treat on any such case whatever. President Baez and his cabinet told me that Mr. Smith, the commer-

cial agent there, was not a friend of those people, not a friend of their republic; that he was in the interest of Cabral, and they believed—though they did not give me any proof—that he was in communication, and that his office was used as a means of communication with the Cabral force that was trying to be raised against the republic.

By Mr. SCHURZ:

Q. Did you see any indications of that?—A. No, sir; I did not. I did not tell Mr. Smith my business on the island. I called on Mr. Smith the second day after I arrived there, but of course I did not tell him my instructions or anything of the kind. They told me that he was unfriendly, and told me that at one time he came into the office bringing with him the Italian consul, Mr. Cambiaceo I think was the name, and asked him, at the time Mr. Fabens was on his way up here to make this proposition, whether they had sent him to consider the subject of annexation.

Q. Was that while you were there?—A. I heard this was while I was there.

Q. When Mr. Fabens was on his way to Washington?—A. No; Mr. Fabens was there at the time. I say they told me that Mr. Smith came into the President's one morning, when Mr. Fabens was here, previous to this, I do not know the date, and brought with him the Italian consul, and asked him in the presence of the Italian consul whether he had any one negotiating for the sale of Samana or the annexation. President Baez told me that a question like that he could not answer to Mr. Smith in the presence of such a witness, a European who was opposed to him, and he told him that he had not. He said Mr. Smith took advantage of the fact that Mr. Fabens was on his way home at the time, and that he had no one in Washington at this time. They made these charges against Mr. Smith, that he was in the interest of Cabral, though they did not attack his character, so that I saw they had no kind feelings toward him so far as the question of annexation was concerned, and I never told him my business in the island at all. I visited Mr. Smith at his room two or three times; and I think once Mr. Smith spoke to me about the arrest of Mr. Hatch. I know he asked me to interfere, or something of the kind, and I told him that the President had informed me that Mr. Hatch had been assisting the Cabral party, and those charges had been preferred against him, and that I had told him he must forward all the charges to Washington in order to have any action of our government. On the 2d of September the steamer Tuscarora came in and reported to me. I ought to go back and state that before leaving for San Domingo, on the 12th of July, the Secretary of the Navy sent the following letter to commander E. K. Owen, commanding the steamer Seminole:

“NAVY DEPARTMENT, July 10, 1869.

“SIR: You will proceed without delay to the bay of Samana, in the island of San Domingo, and ascertain if there is a steamer there present named the Telegraph, under the command of one Luperon, or officers of his. This vessel has been interfering with American commerce, and sailing on the high seas without legal authority. You are directed to seize her and bring her into the port of Baltimore. You will stop at no other American port unless compelled to do so by stress of weather. You will be particular to bring with the vessel the officers and crew, and all papers found on board. Transfer a sufficient number of the prisoners to your own vessel, to prevent recapture. Keep the captured steamer in sight of you, and under your guns, on the way home.

“Two engineers, in addition to the complement of your vessel, will be ordered, and four extra firemen and six coal-heavers, to work the prize home.

“If you do not find the vessel alluded to in Samana Bay, search for her along the coast until you find her. If she has fallen into the hands of the Dominican government, or into the hands of a United States or English cruiser, you will touch at the several Dominican ports on your way to Key West, where you will proceed to report to Rear-Admiral H. K. Hoff for duty in the North Atlantic squadron under his command.

“Very respectfully,

“GEO. M. ROBESON,
“Secretary of the Navy.

“Commander E. K. OWEN,
“Commanding United States Steamer Seminole, Hampton Roads, Virginia.

“True copy from the records of the Navy Department.

“JNO. W. HOGG,
“Acting Chief Clerk.

“JUNE 9, 1870.”

I took with me a letter to the commanding officer of the same vessel, supposing I should find him at Samana, of which the following is a copy:

“NAVY DEPARTMENT, July 13, 1869.

“SIR: You will remain at Samana, or on the coast of San Domingo, while General Babcock is there, and give him the moral support of your guns.

“General Babcock goes out in the Tybee, with instructions from the President, which

you will afford him every facility to carry out. If it is not possible to accompany the prize home, in case you capture the *Telegraph*, you will put a prize crew on board of her, with your marines, and send her to Baltimore, as before directed, remaining yourself with General Babcock.

"In case you fall in with the *Nipsic*, or any other of our vessels of war, you will direct the commander to accompany General Babcock, and proceed yourself to carry out your original orders.

"The *Tybee* will carry out three hundred tons of coal for you, which you will use either for your own ship or for the prize.

"I desire that you should extend every attention and facility to General Babcock while in the execution of his present duty.

"Very respectfully,

"GEO. M. ROBESON,
"Secretary of the Navy.

"Commander E. K. OWEN,
"Commanding United States Steamer *Seminole*.

"True copy from the records of the Navy Department.

"JOHN W. HOGG,
"Acting Chief Clerk.

"JUNE 9, 1870."

The letter I took out, expecting to find Commander Owen there with the *Seminole*.

Q. What was meant by the expression that General Babcock was to have the "support of your guns?"—A. I do not know anything more than simply a compliment that I was; but it says "moral support." Remaining, I do not know how many days, and not finding the *Seminole* at Porto Plata, or Samana, and not hearing of her, and hearing that this vessel, the *Telegrafo*, had gone to the windward, and it being supposed after a number of days that she had gone to Key West—at the time the Danish bark *Rocco* was captured—they told me that they had information that the *Telegrafo* was to go out upon the high seas again; that she had been into the port of Tortola in the British West India Islands, and was to be at large again on the high seas. I sent a note to General Porter, of the President's staff, informing him that the *Seminole* was not there, and that the rumor was, I did not know whence it came, that she had the yellow fever and had gone north; and there ought to be some vessel sent out to hunt up this *Telegrafo*.

Q. What was the character of the *Telegrafo* at the time?—A. I will show you before I get through. She was claimed to be a pirate.. She had overhauled a vessel carrying the American flag. She went out from Samana to these islands, I do not know which one, under an American flag, and then hoisted the Venezuelan flag; appeared before the town of Porto Plata with the Venezuelan flag, sent ashore and demanded the surrender of the town. The people refused to surrender the town, and fired at her. She fired into the town some shots. She then went around to Samana under the Dominican flag, and remained there some days, and then went around to Barahona, where she discharged her guns and munitions of war at the port where Mr Hatch was at the time. On the 2d of September Commander Queen, the senior officer on the steamer *Nantasket*, reported to me, and showed me a telegram, of which this is a copy:

[Telegram.]

"NAVY DEPARTMENT, August 23, 1869.

"Commander W. W. QUEEN, Senior Officer U. S. N., Key West, Florida:

"Direct a vessel to proceed without a moment's delay to San Domingo City, to be placed at the disposal of General Babcock while on that coast. If not at San Domingo City, to find him.

"M. SMITH,
"Acting Secretary of the Navy.

"True copy from the records of the Navy Department.

"JNO. W. HOGG,
"Acting Chief Clerk."

"JUNE 9, 1870."

The vessel appeared on the evening of the 2d of September. I think Mr. Smith, our commercial agent at San Domingo, being a very elderly man, his son did all the visiting of vessels; and young Mr. Smith went off to visit this vessel, and came ashore with one of the officers, who inquired at once if I was there, and he came and reported to me. This was the first information Mr. Smith had that I had any official capacity on the island. He afterward told the officer—so it was reported to me—that I was there looking after some private claims. That evening, while at the hotel, Mr. Smith, the son of the commercial agent, wanted to know if I did not think it would be a good plan to send this vessel, the *Tuscarora*, down to Barahona, where Mr. Hatch was. I told him that Mr. Hatch had been interfering

with the rebellion in that country, and that I should have nothing to do with the case. President Baez, however, on the 22d of August, as I have said, after Mr. Smith left, had told me that Mr. Hatch was then at Azua, on his way to San Domingo City to be tried. I knew, of course, that it was of no use to send this vessel to Barahona if Mr. Hatch was at Azua, on his way to San Domingo. That would have settled it in my own mind that there was no use of sending the vessel to Barahona; but in addition to that, I did not tell Mr. Smith that I was going to send this vessel after the piratical craft, the *Telegrafo*, because, from what they had told me, it was evident that they supposed Mr. Smith was in the interest of those people. I do not know whether he was or not; but if he was, he could easily, as this vessel was under sail only, (saving her coal in case she should fall in with anything to chase,) send a schooner over to St. Thomas and inform the parties where the *Telegrafo* was supposed to be, in Tortola, as quickly as this vessel could go over.

When Captain Queen came on shore to pay his respects to the President, I went with him. I wished to tell him about where this vessel was going, and for that reason I did not invite Mr. Smith to go with me. It was not an oversight on my part at all, it was intentional. I did not invite him, because I did not wish him present while Captain Queen was with me at the President's house.

Q. Did Captain Queen's vessel remain there?—A. It remained there until the 4th. It arrived on the 2d and remained until the 4th. It remained two or three days. I then turned over the copy of the instructions I have presented to the commanding officer of the *Tuscarora*, that were intended for the commanding officer of the *Seminole*, as that vessel had not come to me. I turned them over to him, explaining in a letter the object of those instructions, and requesting him to go to Tortola, or wherever he could find that the vessel was, and ascertain whether she had been released, and whether she was on the high seas again, and if she was on the high seas, as our government believed her to be a pirate, I thought he was justified under those instructions of the Secretary of the Navy to seize her and bring her, as instructed, to Baltimore; and if he found that she was still there he ought to get a pledge from those people that she should not be allowed to go out on the high seas; that if she was in the hands of the British authorities of that colony, he should get an assurance that she should not go out as a pirate. I have with me a copy of that letter. It is as follows:

"SAN DOMINGO, W. I., September 4, 1869.

"SIR: I have the honor to request that you will proceed to the island of St. Thomas, and Tortola, if necessary, and ascertain the exact condition under which the piratical steamer *Telegrafo* was released, if released at all; under what flag she now sails, and her destination.

"By the letter that I transmitted to you from the Secretary of the Navy to Commander Owen, United States Navy, you will see that our own government did regard her as a pirate. It is the opinion of the President of the Republic of San Domingo, that the sale of the *Telegrafo*, if sold, was simply in form, that she still belongs to the same parties, and that she is to be used against this republic. Should you, after examination, be convinced that such is the case, you will inform the government that released her of the promises made to Commander Owen, and request them to prevent her going to sea without proper guarantees against her appearing as a pirate. If she has been released and you are satisfied that she belongs to the same parties, I think you will be justified in seizing her and disposing of her as directed by the Secretary of the Navy.

"You will please communicate (confidentially) to our consul at St. Thomas that it is the wish of President Grant that the kindest relations exist between our government and the Republic of San Domingo."

I explained to Captain Queen my mission on the island, so that he would understand it; and that is what I meant in this part of the letter:

"On securing this information you will please return here and inform this government of the destination of the *Telegrafo*, and such other information concerning her as you may think proper. This information can be communicated to President Baez, through General W. L. Cazneau.

"On your cruise after leaving here, after reporting the information requested to President Baez, you will please touch at Samana and Porto Plata; a few hours at each place will be sufficient.

"I have furnished you such information as this government has furnished me regarding the steamer *Telegrafo*, and a letter from an American citizen at Samana, obtained from the United States commercial agent here.

"Will you forward these papers to me at Washington, District of Columbia, retaining such copies as you may wish?

"I am, commander, your obedient servant,

"O. E. BABCOCK,

"Secretary to the President and Special Agent.

"Captain W. W. QUEEN, U. S. N.,

Commanding United States Steamer Tuscarora."

Commander Queen went with the Tuscarora to Tortola. I have here his original report to the Navy Department, and I will call attention to portions of it. It begins with a letter dated St. Christopher, September 11, 1869. I will read only a portion:

"The policy of the government of the island in relation to the Telegrafo has been extremely vacillating, caused, no doubt, in a great measure by the persons interested in the vessel, many of which are at present here, having accompanied Governor Pine from Antigua. The governor himself has developed in council that the sale of the vessel was a sham. The officer effecting the sale has been dismissed, and the money paid into the colonial treasury, as the commission on the sale has been returned. The only paper which the vessel was enabled to exhibit at Tortola was a bill of health furnished by one Hatch, an American, at Barahona, a Dominican port, not a port of entry."

On September 20 he transmits the various papers that had been furnished to him in reference to this vessel, and the last one, numbered 26, is:

"I hereby certify that the steamer Telegrafo (or *Restauracion*) arrived in the port or harbor of Tortola on the 12th July last past under Dominican colors, produced at the custom-house a clearance and bill of health from the port of Barahona, San Domingo; and no other documents to prove her nationality or ownership were exhibited.

"TORTOLA, 6th August, 1869.

"ISAAC FARRINGTON,
"Comptroller Customs.

"I hereby certify that Isaac Farrington, esq., is comptroller of customs.

"JOSEPH G. GORDON,
"Provost Marshal."

These papers contain account of the cruise of the Tuscarora. I only call attention to the papers I have read, as Captain Queen states what these papers were and by whom they were signed. In my instructions to him I mentioned that I left for him a letter from an American citizen at Samana. While there they told me that the Telegrafo had fired into the town, and that they had arrested American citizens there, and taken them on board, and that a gentleman by the name of Horan had made a protest against it. I went around to the commercial agency, in San Domingo, and asked the younger Mr. Smith, in the first place, if there was such a protest. He told me there was none. I do not mean to insinuate that Mr. Smith meant to say there was no such paper, but he meant that it was not in the form of a protest. Then I asked him if there was not a letter from Mr. Horan, protesting against the course of the Telegrafo. He said there was a letter from Mr. Horan. What I mean to say is, I do not wish to insinuate that Mr. Smith intended to deceive me in any way. He only meant that this was a letter, and not a protest. He meant that it was not a formal protest. I spoke then to his father, and asked him if there was such a letter. He told me yes, he had received a letter of this kind from Mr. Horan, but he regarded it as an entirely unofficial matter, and had laid it aside. I asked him if he would let me see it. He told me he would. I asked him for the letter after reading it, and this is the letter that was furnished:

"HARBOR OF SAMANA, ON BOARD OF SCHOONER NICOLINO,

"June 14, 1869—4 p. m.

"SIR: It is my painful duty to inform you that I am on board this vessel for personal safety, as my house was fired upon this morning, whether accidentally or not I do not know, by the steamer Telegrafo, that flies the Dominican flag, and one of her shot passed through it. The said steamer is now anchored some five miles from the town. Her commandant, General G. Luperon, held me as a prisoner on board some twenty-four hours on suspicion of having sold powder to the enemy. He has informed me that if this vessel attempts to get under way he will sink her with the guns of the above-mentioned steamer.

"Now, sir, as you are aware, I am a citizen of the United States, and am living here peaceably, attending to my legitimate business, and never mixing with the politics of the country in any way whatever. I claim the immediate protection of my government that you represent in this republic.

"I would also on this occasion beg to inform your honor that there are several other Americans here that require protection, and sincerely hoping that through your influence we shall receive succor at as early a day as possible,

"I subscribe myself, your honor's obedient servant,

"LEWIS HORAN.

"Hon. J. S. SMITH,

"United States Consul, City San Domingo.

"P. S.—I would also beg to remind you that my presence in Venezuela is required at as early a day as possible, on some matters of the greatest importance, and unless I am released to attend to them I shall suffer irreparable loss."

I asked Mr. Smith if he would give me this letter and he told me he would; and I asked

him to put something on it so that I should know that I received it from him, and he put on it this:

"General O. E. BABCOCK.

"DEAR SIR: I hand you this letter, addressed to me by Mr. Lewis Horan, and you can make such use of it as you see fit.

"J. SOMERS SMITH,

"United States Consul San Domingo City.

"SEPTEMBER 1, 1869."

The letter was dated on the 14th of June, and handed to me on the 1st of September. The fact that this letter had not been forwarded to the department, and that no attention had been paid to it, led me to think that Mr. Smith perhaps had sympathy with the Cabral party, as he was accused of. I did not know it, and that is the only thing I saw that would go in the form of any proof; but, after what they told me and on account of this letter, I did not intend that Mr. Smith should go with me when I presented Captain Queen to President Baez. Soon after my return to Washington, these papers were brought back, and any opinions I ever expressed in reference to Mr. Hatch, to Mr. Perry, or to any other person, were based entirely on this evidence. I told Mr. Perry, before he went down there, that there was such evidence on file here; that Commander Queen had made such reports, and I gave him this as matter of information to guide him—not that I had any desire to oppose Mr. Hatch. Whatever he may have said to me, I have no remembrance of Mr. Perry ever asking me what he should do in San Domingo, or asking any advice from me on that matter; but whatever opinion I gave to him was in that way, that so far as I was concerned I should have nothing to do with the case, as I believed, from the evidence of Captain Queen, that Mr. Hatch had been joining in the revolution against Baez, and if he had, and had been tried, it was a matter that I had no business to interfere with. I never told him or anybody else that I did not wish Mr. Hatch released on account of anything that he would say or could do as to annexation, because I understood all this myself, that Mr. Hatch was in favor of annexation of the island of San Domingo. I understood him to be a man, too, of good address; and so far as the character of Mr. Hatch is concerned, I have yet to learn of anybody attacking his character as a man. The only thing I have ever heard against Mr. Hatch is that he joined this opposition, and that he was captured in this business. What I heard at the time of the interview I spoke of on Sunday morning, the 22d of August, was an explanation to me of the ill feeling between President Baez and Mr. Hatch. General Cazneau, after that conversation, told me that there had been a correspondence published in the New York papers in which Mr. Hatch had denounced President Baez as being a bastard, and other things of that kind, attacking his family. The unfortunate part of the business, as Mr. Cazneau told me, was that it was true; that Baez was an illegitimate son, and that there had been this personal feeling, and that only by the intervention of Mr. Smith, had Mr. Hatch been allowed to go back. That, to the best of my belief and memory, was the first time General Cazneau ever spoke to me about Mr. Hatch, and I do not think General Cazneau ever talked to me a hundred words with reference to Mr. Hatch. He never used any influence to try to get me to have Mr. Hatch retained. I always told him I did not wish to have anything to do with the Hatch case, because I thought Mr. Hatch guilty, on the evidence furnished by Captain Queen. I do not know that I always said that I believed it on that account, but that was my conviction; and before Mr. Perry went away I told him these things. I gave Mr. Perry a letter of introduction to Mr. Gautier, the Dominican secretary of state, a letter of introduction to Mr. Cazneau, and a letter of introduction to Mr. Fabens, I think, but I am not positive. I told him that the secretary of state had informed me that he had not very great confidence in or did not like Mr. Cazneau; that he had some such feeling as that toward him. I explained that to Mr. Perry, so that, as I said, to him, he might not be deceived by my introductions; that so far as I had seen there had been nothing improper in the conduct of these men. I gave him this matter of information, and on the same ground I spoke of the case of Mr. Hatch that had come up there. On Mr. Perry's return to Washington he came up to the Executive Mansion, sent his card to me, and was shown into the room. He told me that he wanted to come to me and learn if there was anything he could do in reference to annexation. I asked him how matters had been going on in the island. He told me that he was satisfied a large majority of the people were in favor of annexation, and told me with regard to various little matters that we were talking about. I asked him if he had a positive order for the release of Mr. Hatch, and he said that he had. I told him that the reason I asked him was that there had been a question whether the Secretary of State had demanded the release of Mr. Hatch without the order of the President, and I wanted to know whether there had been a positive order sent down for the release of Mr. Hatch; I mean that that was my object in asking. I told him that the demand went without the knowledge of the President, which I believe is a fact. As to expressing any regret that Mr. Hatch was released, I did not do it. I have felt all along that the detention of Mr. Hatch had been very unfavorable, because I believe that if Mr. Hatch had been released in the early part, all he could have said could have done no harm as to the treaty of annexation.

By Mr. HOWARD:

Q. Did you ever receive a grant of any lands on that island?—A. Never of any land or property of any kind whatever.

Q. Was any grant ever tendered to you by Baez or the authorities there?—A. No, sir. The only thing that ever in any way appeared like a grant or an offer, or anything of the kind, was before the signing of the treaty. After everything had been settled upon, President Baez said to my interpreter, General Sackett: "I do not want to sign these papers until to-morrow." The arrangement had been made that we were to go away on a steamer at such a day, and we wanted to get away. Everything had been settled; there was nothing more to be done except the mere signing. He did not give any reason why the treaty should not be signed that day. I told General Sackett to ask the reason why he wanted to postpone the signing. General Sackett asked him, and he said: "I do not want to sign this now; I want to go over and see some friends in the senate, to see if they will not make a concession of land to General Babcock at Samana." General Sackett laughed at him, and told him that would never do; such a thing as that would be very improper. The general then turned to me and made a translation of what he had said, and I told him I could not listen to such a thing for a moment. That ended it, and the treaty was signed that day. He said the reason he wanted it not signed that day was that he wished to go over to the senate and have the senate make that concession, because the sixth article of the treaty prevented any concessions being made after the treaty was signed. That is the only time any such question ever came up in any shape.

Q. And that is all there is about that story?—A. That is all there is about that story, and you need not take my word for it, because General Sackett was present and was my interpreter at every interview I had with the officials during the negotiations of the treaty. He is in the city, or, if not, can be in a day or two. I should like to have him subpoenaed as a witness.

By the CHAIRMAN:

Q. Was any other person with you on that occasion?—A. Yes, sir; there was the secretary of state, Gautier. This was done after the formal talk had broken up. He then expressed this wish not to sign the papers until to-morrow, and when pressed to give the reason made this explanation.

By Mr. HOWARD:

Q. This is what Sackett told you?—A. That is what General Sackett as interpreter told me. I did not talk with Baez directly, because I could not communicate with him in Spanish. I did not try to carry on any conversation with him. I could understand when they were talking in French a great part of the time, so as not to require it to be translated.

Q. State to the committee whether you ever directly or indirectly interfered in any way to prevent the release of Hatch?—A. Never. I never had any authority in any form or shape to investigate or treat about it. I never had a word of instructions in the case. I never made any report on the case of Mr. Hatch except that after I saw in a paper that a resolution was introduced into the Senate alleging that Mr. Hatch had been detained on account of having information that was supposed to be detrimental to the treaty, I then sent for these two papers in the Navy Department—I was not certain that they were on file in the State Department—and I called the attention of the Secretary of State to those paragraphs which I have read and to the letter of Mr. Horan.

By Mr. VICKERS:

Q. Did you intercede with President Baez to release Mr. Hatch?—A. No, sir, I did not.

Q. Did you tell Mr. Smith, the commercial agent, what had passed between yourself and President Baez, relative to Mr. Hatch, and did you urge Mr. Smith to see that Mr. Hatch had a fair trial as an American citizen?—A. I did not. Mr. Smith was present at the interview that I spoke of with President Baez, and introduced the subject himself.

Q. You spoke of having a conversation with President Baez after Mr. Smith left?—A. Yes, sir.

Q. That is what I alluded to.—A. I do not know that I ever referred to the subject with Mr. Smith. I felt that I had no authority in the matter, as I told him then.

Q. Did not Mr. Smith speak to you several times on the subject of Mr. Hatch's imprisonment?—A. No, sir. I think, as I said, he alluded to it once at his room, and the evening I spoke of, young Mr. Smith mentioned it to me.

Q. Did you use your offices in any way to obtain the release of Mr. Hatch?—A. I did not.

Q. Why did you tell Mr. Smith that the demand for the release of Mr. Hatch was not authorized by the President? What was your motive and object?—A. I never told Mr. Smith so. I did not say that I told Mr. Smith so. I told Mr. Perry so here.

Q. I mean Mr. Perry?—A. Do I understand you to ask me why I said so to him?

Q. Yes; why did you tell Mr. Perry that the demand for the release of Mr. Hatch was not authorized by the President?—A. I asked Mr. Perry whether it was authorized by the

President. My only object was to explain to him why I asked him if there was such an order.

Q. You stated that you asked Mr. Perry if he had received an order from the President to make a demand for the release of Mr. Hatch?—A. I asked him if there was a positive order that he should make a demand for the release of Mr. Hatch, and he said "Yes."

Q. And you then stated that you did not believe that demand came from the President; and now I ask you what your motive and object was in saying that?—A. My only motive was to explain to him why I had asked that question of him.

Q. How came you to say that you did not believe it came from the President?—A. Because I am satisfied it did not come from him.

Q. What reason had you for saying so?—A. From conversation I had had previously with the President.

By Mr. SCHURZ:

Q. When you arrived at San Domingo City the second time, Mr. Hatch's sentence had already been commuted to banishment, had it not?—A. I do not know. I never saw the record. I only know what may have been said in general conversation.

Q. Did you not have any conversation then with anybody at San Domingo City about Mr. Hatch?—A. I may have spoken with Mr. Perry two or three times. I remember that one day Mr. Perry showed me a letter purporting to come from Mr. Hatch, and for all I know it did come from him.

Q. Were you aware at that time that Mr. Hatch had passed through his trial, that he had been sentenced to death, and that the sentence had been commuted to banishment?—A. Only from general report. I had no record. Nothing had been furnished to me. I understood that to be the case, however.

Q. Did you know that he was still held in prison?—A. I understood that he was still in prison; that the pardon had not yet been given to him.

Q. Did you take any steps, or did you inquire at any government office about the condition or situation in which Mr. Hatch then was?—A. I did not.

By the CHAIRMAN:

Q. Was there anything in your instructions that directed you to inquire as to the matter?—A. Nothing whatever on the subject in my instructions.

By Mr. WILLIAMS:

Q. I understand you to say that you believed all the time that he had taken part in the rebellion, and that the government of San Domingo had a right to punish him for that crime; that you were under that impression from the evidence you had, and acted upon that impression?—A. Yes, sir; and that I had no right myself to interfere in any way.

By Mr. SCHURZ:

Q. Were you aware at the time when you were at San Domingo City, on the second occasion, that Mr. Hatch was then, after his sentence had been commuted to banishment, illegally detained there?—A. I was not aware of any such thing; that is, I did not know what his sentence was, and did not know that he was illegally detained. I only knew that it was reported—I could not even say who told me—that he had been tried; that he had been sentenced to be hung or shot, I do not remember which; and that the sentence had been commuted to banishment, and that he was going to be sent away from the island.

Q. Did you never have any conversation with Mr. Perry on that subject?—A. I do not know how many times exactly, but two or three times during my stay there the subject of Mr. Hatch came up, and I always gave him the answer that I myself would have nothing to do with it; that I believed Mr. Hatch was guilty of joining the rebellion, and I was not going to have anything to do with the case.

Q. Did not Mr. Perry at that time give you information about the situation in which Mr. Hatch then was?—A. He showed me a letter that came from Mr. Hatch, as he said, in which Mr. Hatch stated that he was being confined at Azua, but it did not state that he was confined in prison. The impression that it conveyed was that he was under duress.

Q. The point of my question is this, whether Mr. Perry did or did not at the time inform you that Mr. Hatch, after having his sentence commuted to banishment from the island, was still kept in prison at that time?—A. Mr. Perry gave me, if any information at all, nothing more than common report. He gave me no record. He showed me no record, or any evidence whatever, to show that Hatch had been even tried, nor that he had had any sentence passed on him, nor that he was in any way confined.

Q. Did he not give you information to that effect?—A. I am not aware that he gave me any positive information about that.

By Mr. FERRY:

Q. Did you want to see a regular written official record before you would interfere in behalf of an American citizen?—A. I did not ask for any matter at all.

Q. Why do you dilate on his not showing you a record so much?—A. I do not dilate on it.

Q. You have already several times repeated that he showed you no record?—A. I am not aware that I have said so but once.

By Mr. SCHURZ :

Q. If the information Mr. Perry gave you on that point was not of such a character, what were your conversations touching Mr. Hatch about at all?—A. The conversations in reference to Mr. Hatch, in reference to his having been connected with this rebellion?

Q. No, in reference to the situation he was then in, his sentence having been commuted to banishment and he still being illegally detained there.—A. I do not know that I was ever informed by Mr. Perry that that was the case. Mr. Perry may have said so, but I know I heard that in common conversation. I had, however, no evidence whatever that that was the case.

Q. If you do not remember that, do you remember at all what the conversation touching Mr. Hatch was about?—A. It was the question of his being in confinement on the island, having been tried, as common report went, and having been sentenced to be executed, and that punishment having been commuted to banishment, that he was still in confinement there; but I do not know what the nature of the commutation was, whether he was to be banished at a certain time, or anything about it.

Q. Did you never have any conversation about Mr. Hatch at that time with President Baez?—A. No, sir; I am under the impression that the subject was never mentioned between us then.

Q. Or any other government official there?—A. If it was ever mentioned, General Sackett was my interpreter, and it went through him.

Q. But you would of course know?—A. I do not remember ever having had any conversation with them about Hatch.

By Mr. VICKERS :

Q. Did not Mr. Perry urge you to intercede for the release of Mr. Hatch?—A. No, sir; he did not.

Q. Did he not tell you that Mr. Hatch was an American citizen; was illegally detained, and ought to be released?—A. No; he did not.

Q. And that you, as an officer of the government, ought to interfere and intercede for his release?—A. No, sir; he did not.

Q. Did he not talk with you on the subject?—A. He told me that this man Hatch was there; had been tried, and was still detained, or something to that effect; but he never asked me to interfere in the case.

By the CHAIRMAN :

Q. As I understand, you went there for a certain purpose?—A. Yes, sir.

By Mr. FERRY :

Q. Did you not have control of all the United States ships of war that were there?—A. I had control the second time I was there, but the Albany was the only one that was there at that time.

Q. Who commanded the Albany?—A. Captain Balch. The Albany was the vessel I went down in; it was the only vessel there until about two or three days before I came away, when the Nantasket came in and reported.

Q. Who commanded her?—A. Captain Bunce.

Q. Did you have any talk with Captain Bunce about Hatch?—A. No; I do not think I ever mentioned the subject to him.

Q. Did Captain Bunce to you?—A. I do not remember.

Q. Let me refresh your recollection. Did Captain Bunce show you a letter from Mr. Hatch?—A. No, sir; I never saw a letter from Mr. Hatch to Captain Bunce.

Q. And you gave him no information about Mr. Hatch?—A. I do not recollect now that I ever spoke to him about Mr. Hatch. It is possible that I may have done so, but I am not aware that I ever spoke to Captain Bunce about him.

Q. Do you know whether Captain Bunce wrote a letter to Mr. Hatch?—A. I do not know that he ever did.

By Mr. VICKERS :

Q. Did I understand you to say that Mr. Perry showed you a letter from Mr. Hatch, complaining that he was in prison?—A. He did.

Q. Did you read the letter?—A. I did.

By Mr. SCHURZ :

Q. Were the two ships of war you mentioned that were there subject to your instructions as to their movements?—A. Yes, sir. There was only one there while I was there—the one I went down in; and the other came into the port just a few days before I came away; and I left the Nantasket there.

By Mr. FERRY :

Q. Have you received a letter from Mr. Hatch?—A. I received one letter from Mr. Hatch.

Q. How long since?—A. It was written from Azua and was received here. I cannot give you the exact date. He forwarded it here from Havana. It was just after he had been released.

Q. Did you lay that letter before the President?—A. I did not. I told him I had received such a letter.

Q. Did Mr. Hatch request you to lay that letter before the President, in the letter itself?—A. I have not read it over for some time; I do not know whether he made that request or not.

Q. Have you the letter?—A. I have.

Q. You will please bring it at the next meeting of the committee.—A. I will.

JUNE 11, 1870.

DELOS B. SACKETT sworn and examined.

By the CHAIRMAN

Question. What is your business?—Answer. I am Inspector General United States Army, with the rank of colonel and the brevet rank of major general.

Q. Where are you stationed?—A. In Philadelphia, headquarters Division of the Atlantic—General Meade's headquarters.

Q. How long have you been there?—A. I reported there on the 1st day of April, 1869. I reported the fall before in New York City to General Hancock. When General Meade was placed in command, I was removed to Philadelphia.

Q. How long have you been in the army?—A. It will be twenty-five years on the first day of July next.

Q. At any time, and, if so, when, did you go to San Domingo?—A. We sailed from New York on the 10th day of November, and arrived in San Domingo on the morning of the 18th of November, 1869.

Q. How did you go?—A. In the steamship Albany, commanded by Captain Balch.

Q. Who accompanied you?—A. General Babcock and General Ingalls.

Q. For what purpose did you go there?—A. I ascertained, after arriving in New York, that I was going as an interpreter for General Babcock. I was told afterward that I had been appointed one of the commissioners, but it was learned that that was illegal, and I was simply sent as an interpreter.

Q. Interpreter for what purpose?—A. In the negotiation of the treaty of annexation of San Domingo to the United States.

Q. Did you act in that capacity?—A. I did.

Q. What language did you interpret?—A. Both Spanish and French.

Q. Do you speak and write both languages?—A. I speak Spanish and write it tolerably well, and I speak French quite well.

Q. You acted in the capacity of interpreter?—A. I did.

Q. Did you attend all the meetings at which any business was transacted in relation to this treaty?—A. I did, every one, from first to last.

Q. Did you communicate to the parties representing the Dominican government what you were directed and instructed to communicate by General Babcock?—A. I did.

Q. And did you convey to him truthfully what they said?—A. I did as well as I was able to do.

Q. State to the committee the manner of conducting those negotiations.—A. General Babcock and General Ingalls and myself came ashore generally about half past eight every morning.

Q. While there were you quartered on the ship?—A. Yes, sir.

Q. Lying in the bay?—A. Lying off San Domingo City, in the outer harbor. We came on shore and went to the consul's office, and remained there a short time, and then went to the palace of President Baez.

Q. Where were the negotiations conducted?—A. In the President's private quarters. He did not occupy the palace, but occupied a house belonging to himself, and we went there. The office of the secretary of state was in the same building. The palace is on the plaza, and the President occupied a house belonging to himself on the next street, I think, and we went there.

Q. Who was our commercial agent there at that time?—A. Mr. Raymond H. Perry.

Q. At what time did the negotiations commence?—A. They commenced on the 19th of November, 1869. On the afternoon of the day we arrived the party went ashore, and we paid our respects to the President, and arranged for a meeting the next morning.

Q. Then, on the morning of the 19th of November the negotiations commenced?—A. Yes, sir.

Q. How long did the negotiations continue?—A. I think the treaty was signed on the 29th of November.

Q. From the time you arrived, how often did you meet the Dominican authorities for the purpose of arranging the treaty?—A. We met daily.

Q. From the 19th to the 29th of November?—A. Yes, sir. I said daily, but there was one day we did not meet. One day President Baez was absent, and we did not meet that day. I went to see Mr. Gautier that day, but General Babcock did not go ashore that day, but remained on board ship.

Q. Who was present on the part of the Dominican government?—A. The President himself, Mr. Gautier, the secretary of state for foreign affairs, and Mr. Delmonte, who held a position corresponding to that of attorney general in our government; and, on one or two occasions, the secretary of war, whose name I do not remember, was present.

By Mr. SCHURZ:

Q. Was Mr. Cazneau present?—A. Mr. Cazneau was present several times, not always.

Q. Mr. Fabens?—A. Mr. Fabens was present.

Q. All the time?—A. I think on nearly every occasion. I believe once or twice he was absent, but I shall not be positive about that. Mr. Perry was there, I think, except on one or two occasions. General Babcock and myself were there. General Ingalls was not there. General Ingalls was there the day we were presented, and, I think, he came there on one other occasion; I think that when Captain Balch came ashore to pay his respects to the President, General Ingalls accompanied him.

By the CHAIRMAN:

Q. Were the negotiations conducted as a public matter?—A. Yes, sir; there was nothing to conceal. President Baez did not object to Mr. Cazneau being there, and we did not. He was there as a listener.

Q. Did Mr. Cazneau or Mr. Fabens have anything to do on the part of the American government with the treaty?—A. Mr. Fabens sometimes would assist me in translating, but only occasionally. Sometimes I would ask him to talk when I got pretty tired, but he had no connection with the commission at all. He was there, however. I never met him before. He appeared to be a gentleman of ability. He spoke the language fluently, and was an American.

By Mr. SCHURZ:

Q. Was Mr. Cazneau or Mr. Fabens acting ostensibly for the Dominican government in this matter?—A. I think Mr. Cazneau was. That was my impression, and I did not know but that Mr. Fabens was. At any rate I think it very likely they were interested in having annexation carried out with success if they could.

By the CHAIRMAN:

Q. Had they anything to do with the negotiations on the part of the American government?—A. They had not to my knowledge.

By Mr. HOWARD:

Q. They did not assume to act as agents of the United States?—A. No, sir.

By the CHAIRMAN:

Q. How long did you remain after the treaty was concluded?—A. We left there on the 4th day of December for Samana.

Q. Did General Babcock or yourself, or any one there representing the government of the United States, have anything to do with any other matters except this treaty?—A. No, sir; none of us. I saw General Babcock's instructions; I read them very carefully going down on the ship. There was no other matter mentioned but the treaty.

By Mr. HOWARD:

Q. What was the date when you first saw his instructions; can you give it?—A. I cannot give it exactly. It may have been the first or second day out from New York, on board ship.

Q. Then you saw the instructions on the 11th or 12th of November while at sea?—A. Yes, sir; when I left Philadelphia I did not know where I was going.

Q. What instructions were these to which you now refer?—A. General Babcock's instructions from the department.

Q. Do you know how Mr. Perry came by his instructions?—A. I do not, except that I know that General Babcock carried instructions for Mr. Perry.

Q. Can you state at about what date General Babcock delivered those instructions to Mr. Perry?—A. I think he must have given them to him on the afternoon of the 18th or the morning of the 19th of November; I am not positive which.

Q. What makes you fix that date?—A. Because that is the date we arrived there and went on shore and found Mr. Perry there. We went ashore at four o'clock in the afternoon of the 18th of November the first time.

Q. Possibly you might fix the date with more certainty by referring to any conversation you may have had with Mr. Perry respecting the time at which he received his instructions.—A. I do not remember that. I am quite positive that it was either on the 18th or the 19th that General Babcock handed the instructions he had to Mr. Perry, the consul.

Q. I mean the instructions in regard to the annexation treaty.—A. Those were the only instructions I know of—instructions authorizing him to sign the treaty on the part of the United States.

Q. Can you state whether Mr. Perry had received any other instructions on the subject of annexation previously to his receiving these?—A. That I cannot say; I do not know of any.

Q. Have you any reason to suppose he had?—A. I do not think he had; I do not know, though.

By the CHAIRMAN:

Q. You have said that, with the exception of once or twice, Mr. Perry was present at all the interviews?—A. Yes, sir.

Q. State whether he was conferred with on the conditions of the treaty.—A. He had the treaty before him. After the interviews, daily, we used to return during the afternoon and remain some time in Mr. Perry's office; it was a cool place, and we sat there and discussed matters somewhat. The papers were left in Mr. Perry's safe, and he carried the key every night; that is where we left our papers.

Q. You mean that after your interviews with the Dominican authorities you returned to Mr. Perry's office?—A. Yes; we always went to Mr. Perry's office in the morning, from there to the President's house, and returned to his office and there left our papers.

Q. Were the conditions of the treaty there discussed?—A. Yes, sir; Mr. Perry could have read it if he chose; I am certain General Babcock submitted it to him.

Q. Were you present at the time the treaty was signed?—A. I was.

By Mr. WARNER:

Q. Where was the treaty signed?—A. In Mr. Perry's office or in the court-yard in the rear of his office.

By the CHAIRMAN:

Q. Did he at that time or any other make any objection to any of the conditions of the treaty that you heard?—A. Not in the least, that I heard; quite the reverse. I think he was strongly in favor of it. I know that he remarked at the time it was signed that he disliked to sign it because he had done none of the work, and he thought General Babcock ought to have the credit as he had had the labor.

Q. While you were there, did you hear anything said, and, if so, what, in relation to Mr. Hatch?—A. Yes, sir; I heard that there was a man named Hatch in confinement on the island. It was spoken of there among the party.

By Mr. HOWARD:

Q. Did you hear Mr. Perry say anything about Mr. Hatch's confinement; and, if so, state what he said?—A. I do not remember Mr. Perry speaking about it, and I do not remember now who spoke about it. I know the impression was formed that Hatch had been confined and tried, and was very lucky in getting off without being shot. But we had nothing to do with Mr. Hatch, and I never gave the matter a second thought. He was mentioned occasionally, but was not a subject of discussion. We had nothing to do with him any way.

By the CHAIRMAN:

Q. Did you hear General Babcock in any way give any direction, suggestion, or instruction about Mr. Hatch?—A. Never.

Q. Where was it said that he was confined?—A. Recently I have heard that it was at Azua. I do not know that I even then gave that much thought to the matter as to ask where he was confined. I knew it was not in San Domingo City; I knew it was up the country somewhere.

Q. Did you understand that he was in close confinement?—A. I did not even ask that much. I heard he was in confinement.

Q. You say you read General Babcock's instructions. Did they apply to anything except the negotiation of this treaty?—A. Nothing else whatever. They did not allude to Mr. Hatch or any other American in any way, shape, or manner.

By Mr. HOWARD:

Q. Who drew up the articles of the treaty, and where were they drawn?—A. In the State Department, at Washington.

Q. In what shape were those articles when you first saw them?—A. They were in the shape of a treaty drawn up after a memorandum that had been sent from San Domingo, I believe, and General Babcock's instructions allowed him certain latitude to change those articles.

Q. Was the *projet* of the treaty drawn up in the handwriting of some clerk in the State Department here?—A. Yes, sir.

Q. And was it inclosed in the wrapper that contained General Babcock's instructions?—A. Yes, sir.

Q. And carried down to San Domingo by whom—by you or Babcock?—A. By General Babcock.

Q. Was the treaty drawn up here, substantially adopted there?—A. Yes, sir; substantially adopted. General Babcock's instructions gave him certain latitude to change them, of course, but substantially as signed the provisions were the same.

By Mr. WILLIAMS:

Q. State whether, during those negotiations, before they were concluded, there was any inducement held out by Baez, or anybody on his part, to you or to General Babcock or any of your party, to sign the treaty or enter into this arrangement?—A. None whatever.

Q. Was anything of the kind mentioned in your hearing?—A. There was one thing mentioned which I will state. Just as the sixth article—I think that is the number of it; at all events, one of the last articles, which, in a few words, stated that there should be no grants or concessions made after the signing of the treaty—was reached, they objected to it for a long time, I do not know but a part of two days, and General Babcock got very much annoyed at it, and said to me, "There appears to be something wrong here." The conversation ceased, and he got up and passed off to a window, and was looking out of the window when President Baez turned around to me and said: "I will tell you what we want; General Babcock was very kind to us last summer; he sent Captain Queen with the Tuscarora to seize this Telegrafo and run her into a place where she was tied up by the English; and then also Mr. Smith had been very obnoxious to us, and we made certain representations to General Babcock, and he investigated them and laid them before the President, and Mr. Smith was dismissed and Mr. Perry sent down in his place; and for these things, showing great kindness on the part of General Babcock, we should like to make him a grant of land in Samana." I told the President in Spanish: "Mr. President, such a thing as that would kill the treaty in a minute." "Well," said he, "we want to do it as an act of kindness, and we cannot do it if this is put in the treaty; what we want to do is to have the treaty signed; let it go before our senate to-morrow; they will grant this land, and then we will make the sixth article date two days afterward." I said to him, "Mr. President, it would kill the treaty." I turned around to Babcock and said: "General, do you know what they are after?" He said "No." Said I, "They want to make you a grant of land at Samana, and want this article dated two days later." Babcock raised his hands and said, "My God! anything of that kind would ruin the treaty; it would not do!" Baez said, "Very well; we only wanted to do it as an act of kindness." Then he signed the treaty immediately, and that was the end of it.

By Mr. SCHURZ:

Q. Did that conversation take place in the presence of all the state officials?—A. Yes. I do not remember whether Mr. Perry was present or not. The delay about this article annoyed us very much, because we did not see any point to it, and their wanting to leave that article out looked as if there was something wrong, and if so, we would not have anything to do with it. They stood on the matter for a long time, and then President Baez made this explanation to me in Spanish.

By Mr. WILLIAMS:

Q. Did Baez or any of his counselors at any time during the negotiations make any representations about this Mr. Hatch. Was that subject mentioned?—A. It was never mentioned the whole time, that I know of. If it had been, I should have been the interpreter to communicate it, and I am certain it was not mentioned.

Q. Can you recall any distinct conversation that occurred in your presence between Mr. Perry and General Babcock, about Mr. Hatch?—A. If any occurred, I never heard it.

Q. Did you at any time hear General Babcock say to Perry that he ought not to apply for the release of Hatch; that it would interfere with annexation, or anything of that kind?—A. I never heard him say a word of that kind, and I think if General Babcock had had any such intention he would have mentioned it to me.

By Mr. HOWARD:

Q. Did he ever mention it to you?—A. He never did.

Q. Were you and Babcock on intimate terms?—A. Perfectly so.

By the CHAIRMAN:

Q. Do you know whether Mr. Perry talked Spanish?—A. I do not think he does; I am quite positive he does not. He may talk French, but Spanish I am pretty certain he does not.

Q. Did he talk in either of those tongues at the time with you?—A. No, sir.

By Mr. WILLIAMS:

Q. I understand you to say that this matter of Mr. Hatch was incidentally mentioned, and you gave it no particular attention?—A. I remember that it was mentioned somewhere; it may have been in conversation. You will understand the impression I had when I state that, happening to be in the Senate gallery when the debate on this subject occurred, it struck me that General Babcock was being very much abused, because it was my impres-

sion that he had interceded for Hatch, and saved his life, but it turned out that he had nothing to do with it. I do not know how I had formed that impression.

Q. You had no distinct impression on the subject?—A. None. I had heard that there was a man named Hatch accused of sending arms and siding with Cabral, and that he had been sentenced to be shot, and that his sentence was commuted to imprisonment or something of that kind; but I never gave the matter any thought. He was not discussed in my presence.

By the CHAIRMAN:

Q. Can you recall a single instance in this whole transaction where there was anything but frank, open negotiation?—A. I was there myself, and I do not like to boast, but everything was square, and might have been heard by the world. Everything was as honest as could be on the part of the Dominicans and on the part of the United States. I should say for the Dominican authorities that they never mentioned themselves, or what was going to become of them in any way, shape, or manner; and I thought that was a little surprising, they being Spaniards.

Q. You have mentioned the secretary for foreign affairs, Mr. Gautier. Describe him somewhat.—A. The impression I formed of Mr. Gautier was that he was a man of fine abilities, sound mind, a head and shoulders above every other man on that island, and I thought strictly honest in every respect. He appeared so in all the transactions we had with him. As he signed the treaty, he told me that there were fifteen years of his life that he had spent for this very purpose of annexation to the United States; that he had visited this country fifteen years ago, and from the time he returned he had been working for this thing, and most of the time with his neck in a halter. He is a poor man, and he being at the head of the government, I thought that spoke well in his favor.

By Mr. SCHURZ:

Q. Are there any very wealthy men on that island?—A. I think there are some quite wealthy. I know I met there one old gentleman who was.

Q. On what day did you leave San Domingo City for Samana?—A. The 4th of December, 1869.

Q. Did you return from Samana Bay to San Domingo City?—A. No, sir; we went to St. Thomas.

Q. Did General Babcock go with you?—A. Yes, sir.

Q. Did you say that you were present at all the interviews General Babcock had with President Baez?—A. Yes, sir; I was. General Babcock was not present with any of those gentlemen unless I was with him; that is, at the interviews, and I do not think he saw them at any other time. I am quite certain he did not.

Q. You say you are quite certain about that?—A. Yes, sir. Mr. Gautier sometimes after the conversations used to come to Mr. Perry's office and talk to us all there.

By the CHAIRMAN:

Q. Does he talk English?—A. No, sir. I think he understands English somewhat, but he speaks French very well, as well as Spanish.

By Mr. WILLIAMS:

Q. Did you have any opportunity to form an opinion as to the popular sentiment in San Domingo on the question of annexation?—A. I think I had. I used to go around the town somewhat and talk to the different people. I conversed with several who told me that the party in power were not their friends; they were Cabral men, or rather, as they told me, Santana men, but they said they were all in favor of annexation. They said they wanted to become Yankees, as they called it, but of course they preferred to have their friends at the head of affairs, rather than the Baez party. They were not Baez men, but they were in favor of annexation, and I did not see one that was not. And the women that I spoke to were all that way.

By Mr. SCHURZ:

Q. Did you see any of the people outside of San Domingo City?—A. No, sir; except at Samana.

By Mr. FERRY:

Q. You stated that you arrived there on the 18th of November. While you were there did you visit Mr. Cazneau at his house?—A. I went to the house twice. Once he was sick in bed and I did not see him. We went there the day we arrived, or the next day.

Q. Did you go to Mr. Fabens's house?—A. He lived in a fonda; what corresponds to a hotel in our country.

Q. Did you call on him at his hotel?—A. Yes, sir. When we first arrived we went there.

Q. Do you know whether General Babcock called on Cazneau or Fabens?—A. General Babcock called twice with me; and I think once Mr. Cazneau took him to see Mrs. Cazneau; but he was only gone a few minutes.

Q. Did you remain on shore over night at any time while you were there?—A. Not a night.

The CHAIRMAN:

Q. Did General Babcock?—A. Neither General Babcock nor General Ingalls.

By Mr. FERRY:

Q. At the time General Babcock called on Mrs. Cazneau did you go with him?—A. I did.

Q. You say that ordinarily you went ashore in the morning, and remained until what hour in the day?—A. Until four or five in the afternoon.

Q. Every day?—A. Every day.

Q. During every one of those days were you never separated from General Babcock while you were on shore?—A. Yes, sir. General Babcock sometimes would go out in the town, when I would remain in Mr. Perry's office. Sometimes I would go with him. Sometimes he would go by himself. Sometimes he would go with Mr. Fabens.

Q. Do you know whether Mr. Cazneau ever interpreted between President Baez and General Babcock?—A. I do not think he ever did. He may have put in a word sometimes.

Q. I do not mean when you were present, at the official interviews.—A. I am certain that General Babcock never saw Baez when I was not present.

Q. Then you must have been constantly with General Babcock?—A. At all those interviews.

Q. But I am inquiring apart from the interviews.—A. If he had any other interviews than these regular interviews I did know it. My impression is that he did not have any others.

Q. I understood you to say that you knew that General Babcock never saw Baez except when you were present?—A. I mean at these regular interviews.

Q. But were there interviews of courtesy, or any kind of interviews, between General Babcock and President Baez, or General Babcock and Mr. Cazneau, or General Babcock and Mr. Fabens, during those sixteen days, when you might not have been present?—A. I do not think there were.

Q. Do you know anything about it?—A. I am pretty positive.

Q. Were you with General Babcock every moment of the day from 8 o'clock in the morning to 4 o'clock in the afternoon?—A. I was not.

Q. How do you know that he did not see these men?—A. He did not see them but at these visits when I was with him.

Q. You do not know whether he saw them or not?—A. When he started off saying he was going down the street to buy a cross, he was looking for crosses to buy as presents he may have gone to see President Baez then, and I not know it; I am positive he did not, though.

Q. Do you know whether or not he and these gentlemen, or any of them, met socially or in any other way, when you were not present?—A. I do not know of their doing so.

Q. At the first interview with President Baez, were Cazneau and Fabens present?—A. Yes, sir.

Q. You said something about this business being done in public. Let me understand you perfectly with regard to that. Do you mean that spectators were allowed to be present, anybody that chose to come in?—A. These gentlemen were present.

Q. Do you mean that anybody who chose to come in, could be present at the negotiation of the treaty?—A. It depended on President Baez; we did not object to anybody coming in.

Q. I ask, as a matter of fact, was the treaty negotiated in public before the whole community if they chose to come in?—A. Anybody that President Baez chose to let in, came in. One day the vice-president of the republic came and staid awhile, and there were one or two others—officials.

Q. Did anybody of the public, any Dominican official, or American official come in, except Fabens and Cazneau?—A. I think not; I am pretty certain no one else did.

Q. Did Fabens and Cazneau talk about the details of the treaty?—A. Not there.

Q. Where did they?—A. They might have discussed it at Mr. Perry's office.

Q. Did you hear them?—A. If they discussed it, I did.

Q. Do you know whether they did or not?—A. I do not remember now. If they did, it was just casual remarks about the treaty. I know on one occasion we had considerable difficulty, and it looked as though the treaty was going to be a failure; that is, that we should not succeed; and on our way home from President Baez's house Mr. Cazneau suggested that we get up a separate treaty, or what he called a secret treaty, and we all shooed at the idea, and told him that anything that we got up would have to be on the square and aboveboard. That is the only suggestion I remember Cazneau making, and that was as we were going from President Baez's to Perry's office.

By Mr. SCHURZ:

Q. What was the purpose of that; why did he suggest it?—A. He was, I suppose, anxious that the treaty should be a success, and it looked as though it was going to be a failure that day. The conversation had not been very pleasant.

Q. For what purpose did he want to get up a secret treaty; what was his special purpose?—A. I do not know. He spoke of a secret treaty that should simply be shown to the senate, or something of that kind. I did not understand it and did not think it was a good suggestion. I objected to it, and General Babcock did. We said we could not do anything of that kind; that anything we did would have to be aboveboard.

By Mr. FERRY:

Q. In the negotiation of the treaty with President Baez, did General Babcock conduct the negotiation?—A. Yes, sir, he did.

Q. Was he the person who had control of the negotiation on the American side?—A. He had.

Q. Did you understand Mr. Perry to be under General Babcock's orders and advice in reference to the matter?—A. From the instructions, my impression was that the intention was that Mr. Perry should be present, General Babcock should conduct the proceedings, and Mr. Perry should sign them.

Q. Did you understand from the instructions that Mr. Perry was under General Babcock's direction and advice in the negotiation of this treaty?—A. From the instructions, I understood that General Babcock had the negotiation of the treaty, Mr. Perry to be present, and Mr. Perry to sign it. He was authorized by the President to sign the treaty on the part of the United States. I believe it was originally the intention that General Babcock should sign it, but it was found that an officer of the army could not be a commissioner.

Q. Did you say that you saw the instructions?—A. I did.

Q. Was there an expression like this in them, addressed to Mr. Perry: "It is the desire of the President that you should confer with General Babcock in every step of these negotiations and be governed by his advice?"—A. I think there was some such expression, but I cannot be positive now. I believe that was it. I have not thought of the matter particularly since I was there.

Q. When did you first hear Hatch spoken about?—A. I cannot tell that.

Q. Was it the day you got there?—A. I do not think it was.

Q. Was it on shore or on board ship?—A. I think it must have been on shore. The impression it made is so faint that I only remember that I heard there was a man in prison of that name. The circumstances of his being arrested, or what he was doing, I had heard; but that was all.

Q. You had heard that?—A. I heard it there; I do not know where; it may have been on board ship; it may have been down there, but it formed so slight an impression on me that I never gave it a thought, and when the discussion came up in the Senate the other day I was all at sea; I did not know any more about it than a great many others.

Q. Was the information about Hatch given to you in Spanish, or French, or English?—A. That I cannot tell; it may have been in English, it may have been in Spanish. I know I heard of Hatch, but how I heard of him or where I heard of him I cannot tell now; but I know it was nothing about having him confined, or keeping him in close confinement. I heard that there was such a man, an American, who had been arrested for carrying arms, or aiding with Cabral, and sentenced to be shot, and that his sentence was commuted. He was no part of our instructions, and I did not give him a thought.

Q. General Babcock went down on the Albany with you?—A. Yes, sir.

Q. Do you remember whether he informed you, as he was going down on the Albany, anything about Hatch?—A. I do not remember that he did; he may have done so; but I cannot say now that he did or did not.

Q. Was the person from whom you received this information regarding Hatch some one of the party, Babcock, Cazneau, Fabens, Baez—some one of that party?—A. It could not have been from Baez, because we never discussed the matter in the presence of Baez. It must have been either in the presence of General Babcock, General Ingalls, Cazneau, Fabens, Prime, or Mr. Perry. Whether I asked a question or not I cannot tell.

Q. Somebody must have informed you?—A. Some one may have come in, and the conversation been about Hatch. What it was did not make any great impression on my mind; not enough to remember it.

Q. Was the impression conveyed to your mind that this Mr. Hatch was an American citizen?—A. Yes; I knew that he was an American citizen.

Q. How did you know it?—A. I heard it. I do not know who told me. It is conversation that I never expected to hear about afterward, and my mind was not impressed with it.

Q. Was the impression further conveyed to your mind that Mr. Hatch had asked for the intervention of officers of the United States government for his release?—A. I never heard that he had asked.

Q. Then all that you remember to have heard was the mere fact that Mr. Hatch, an American citizen, was in confinement for partisanship with Cabral, substantially?—A. That is it. That is all I did hear, and how I heard it, and when I heard it, I cannot now say. I heard that he had been connected with Cabral and was in prison, having been sentenced to be shot; and that he got off in some way, and I never gave it another thought.

Q. What American war vessels were at San Domingo at the time you were there?—A. The Albany, that we went down in; and the Nantasket, Captain Bunce, came in afterward.

Q. Did you see Captain Bunce while you were there?—A. Yes, sir.

Q. Did you go on board his vessel?—A. I did not.

Q. Did you hear any conversation in the presence of Captain Bunce about Hatch?—A. I did not.

Q. Where did you see Captain Bunce?—A. I saw him on board the Albany, and I saw him on shore at the consulate. I was introduced to him there.

Q. Did you leave Captain Bunce there when you came away?—A. Yes, sir.

Q. Were the Nantasket and the Albany under General Babcock's orders while he remained there?—A. I think they were. I think he had power to give them instructions.

Q. Were there any other American war vessels while you were there than the Albany and the Nantasket?—A. No, sir.

By Mr. WARREN:

Q. From whom did you receive your orders to report to General Ingalls in New York, before you went to San Domingo?—A. From the War Department.

Q. What orders did General Ingalls give you when you reached New York?—A. He gave me an order to report to General Babcock on his arrival in New York.

Q. Did he state for what duty?—A. He did not. When I met General Babcock I asked him to be kind enough to let me know where I was going, as I should like to let my wife know before I left.

Q. What was his answer?—A. He said "That is a fact, I have not told you," and then he told me that we were going to San Domingo.

By Mr. HOWARD:

Q. Do you know at what time Mr. Perry received any instructions in regard to Hatch?—A. I did not hear it. He may have received instructions, but I did not know it.

By Mr. VICKERS:

Q. Did not Mr. Cazneau, at one of your interviews with Baex, negotiating the treaty, propose to have two treaties prepared, one to lay before the people of Dominica and the other before the government of the United States?—A. I stated what there was in that. It was not before Baex.

Q. Did not Baex and Delmonte approve of such a thing?—A. No, sir; not in my presence.

Q. Did not Mr. Perry, when you returned from Baex's house one day after you were negotiating the treaty, say that he thought you were humiliating the government too much; that you ought to lay the treaty before them, and if they did not approve it return home?—A. I never heard any such remark.

Q. Do you remember a remark substantially that?—A. No, sir. I never heard any such remark. I know that one day Mr. Perry did not go, and I asked him "Are you not going?" He remarked, "I have got to make out these papers for this captain"—a Boston captain who was there. He was at work on the papers then. There may have been some other time when he did not go. We always started from his office, and if he did not go it was his own affair; he was always invited to go.

By Mr. WARNER:

Q. Did General Babcock tell you when you reported to him in New York, or at any time, what was to be your duty in connection with the San Domingo affair?—A. Yes; he told me he wanted me to speak Spanish as interpreter. Before that the President was in Philadelphia, and I called on him. He was out at the time, and he sent word to by General Van Vliet that he wanted to see me. I went to Mr. Borie's and met the President. He asked me if I spoke Spanish. I told him I did speak Spanish some years ago very well. Said he, "Can you read it?" I told him I thought I could, and could understand it pretty well. Then said he, "Can you be ready to go somewhere in eight or ten days?" I told him at any time I was ordered, of course. The next thing I got a telegram to go to New York to report to General Ingalls for orders, and I met General Babcock the next morning after I reported to General Ingalls.

By Mr. VICKERS:

Q. Did you hear Cazneau speak of Hatch at any time?—A. I did not. He may have spoken of him in general conversation in the office of Mr. Perry. I do not know who spoke of it. It was a general conversation among the different gentlemen, speaking of Hatch. I do not know how he was mentioned. I gave it very little thought.

By Mr. HOWARD:

Q. Do you know of any fact inducing you to believe or to suspect that in the concoction of the treaty of annexation the negotiators on either side made any false or fraudulent representation in regard to any portion of the subject-matter of the treaty?—A. No, sir; I do not. I have always thought and have always said that I believed if there was ever an honest transaction from one end to the other, that was the transaction; and I have always said that

I thought it was a feather in the cap of the Dominican authorities that they never alluded to themselves as to what was going to become of them, in any way, shape, or form.

Q. Have you any reason to suspect that President Baez made any false statement to you, or to General Babcock, or to Mr. Perry, or any other of the American agents there, respecting the subject-matter of the same treaty?—A. No, sir; I think he was strictly honest in every respect. I thought so then, and I think so still.

Q. Did Mr. Perry, who signed the treaty, express to you any suspicion that any such false representation had been made?—A. He did not.

Q. Either while you were there at San Domingo, or since that time?—A. No, sir. I met Mr. Perry the other day here and he told me he was for the whole treaty and every article in it, and was trying to induce senators to vote for it.

Q. Did he express any suspicion against the honesty of Mr. Fabens or Mr. Cazneau, in regard to the representations which they made with regard to the treaty, or the part which they took in its concoction?—A. No, sir; he did not. I never heard Mr. Perry find fault or make any suggestions against the treaty in any way or manner, or against any person down there. I thought he was on friendly terms with everybody and regarded the treaty as I did.

Q. Did you hear him say that he had any suspicion that the making of the treaty was "a put-up job," or anything of that kind?—A. I did not.

By Mr. VICKERS:

Q. Did not Cazneau do a very considerable part of the talking while the negotiations for the treaty were going on?—A. He did not; Mr. Fabens did more talking than Mr. Cazneau.

Q. Did he do a considerable part of the talking?—A. He did some. Sometimes I would ask Mr. Fabens to interpret.

Q. What agency had he in the transaction?—A. None at all. He was there, I suppose, as a friend of both parties. He was not called there by General Babcock or myself, as far as I know.

Q. Did General Babcock ask him to aid him in the matter?—A. No, sir. Sometimes, after talking awhile, when Baez was about to speak, I would ask Mr. Fabens to interpret, and if he did not interpret exactly right, I would correct him as he went along. It is pretty hard work to interpret all day.

By Mr. WARNER:

Q. What impression did you get from your intercourse with the people there as to the strength and prospect of permanence of the Baez government on the island?—A. That is a hard question to answer.

By Mr. HOWARD:

Q. As to the solidity of its foundation?—A. It is pretty difficult to say. I thought he was a pretty firm man, and particularly with the prospect of annexation I thought he would have no trouble in holding his place.

By Mr. SCHURZ:

Q. You stated that your recollection with regard to the conversations which took place concerning Mr. Hatch are rather indistinct?—A. Yes, sir; it is something that made no impression on my mind.

Q. Are your recollections with regard to the general conversations which took place there very distinct?—A. I think they are.

Q. Then your recollections in regard to those conversations are distinct, with the exception of the case of Mr. Hatch?—A. I do not say that. I cannot tell where the conversation in regard to the case of Hatch took place. But I know there was never anything said as to aiding to detain him in confinement or anything of that kind, for if there had been I should have remembered that. The conversation was so general that I did not give it a second thought, hardly. The conversations, as a general thing, were usually held at the consulate, where I noticed particularly what was said.

Q. Your recollection of the conversations on that subject is not very distinct?—A. It is not. I recollect nothing of any importance about it.

By Mr. HOWARD:

Q. I understand you to say that your recollections are ordinarily distinct as to the conversations respecting the treaty?—A. Yes; that identical matter. That was what I went down there for; but the conversations outside, as a general thing, I never gave much attention to; I had the writing to do, principally.

By Mr. WARNER:

Q. What did you understand to be the position of Cabral and his party as to annexation?—A. His friends in the island—not those who were with him—but his friends there that I spoke to were in favor of annexation. They would tell me that they were not the friends of Baez, but they would not say that they were Cabral men. They said that they were Santana men, but they were all in favor of annexation, though they would prefer, of course, that their man should be at the head of the government rather than Baez.

Q. Did you hear of anybody opposed to annexation?—A. I did not; all I spoke to were in favor of it.

By the CHAIRMAN:

Q. Have you ever had any business connection or interest in San Domingo?—A. I have not now, and never have had.

RUFUS INGALLS sworn and examined.

By the CHAIRMAN:

Question. State your official position.—Answer. I am assistant quartermaster general, and brevet major general United States Army, stationed in New York City.

Q. Did you go down to San Domingo with General Babcock and General Sackett?—A. I did, on the Albany.

By Mr. SCHURZ:

Q. Did you go there in any official capacity?—A. I received a letter from the Secretary of War ordering me to report to General Babcock, to accompany him and render such assistance as he might call upon me for. Aside from that, I can hardly say that I went there in any official capacity. I was simply instructed to report to him.

Q. Did your instructions specify anything as to the kind of assistance you were to render?—A. Nothing, except what might be ordered by General Babcock.

By the CHAIRMAN:

Q. Were you present at any, and, if so, how many, of the interviews, at the time of the negotiation of the treaty, at the house of President Baez?—A. I was not present, and took no part in the negotiation of the treaty. I accompanied General Babcock and General Sackett to San Domingo. I was knowing to all the transactions; I read the instructions; I heard all the conversations; but during the official interviews I was not present.

Q. While there did you see Mr. Perry, and, if so, how frequently?—A. I saw him daily. We arrived there, I think, on the 18th of November, and went ashore immediately. The first time I saw Mr. Perry was on board the Albany. As soon as we came to anchor he came on board, and then we all went on shore and paid our respects to the authorities. From that time until we left San Domingo, on the 4th of December, I saw him daily. I spent most of my time from morning until evening in his office.

Q. Did you hear the subject-matter of this treaty talked over in his office?—A. Daily.

Q. During those interviews did you hear Mr. Perry say anything against any of the provisions of the treaty?—A. No, sir. On the contrary, he appeared to enter into it very heartily and cheerfully, and spoke of it as a thing which he wished consummated very much, to the last moment of our leaving there.

Q. Have you had any conversation with him since?—A. No, sir.

Q. While there did you hear anything said about this Mr. Hatch?—A. I think after our arrival in San Domingo I heard the matter spoken of in a casual way by some people, but by whom I do not now know. They must have been some of our acquaintances, of course, but how the subject came up I do not now know.

Q. Did you hear Mr. Perry say anything about it?—A. I do not recall now that I heard Mr. Perry express any opinion on the subject.

By Mr. HOWARD:

Q. Did he refer to the confinement of Hatch, so far as you recollect?—A. I do not think he did. In the conversations that I heard—and I must have heard nearly everything that was said in the city—I do not remember now that Mr. Perry expressed any opinion, or felt called upon to say anything.

By Mr. SCHURZ:

Q. Are your recollections very distinct on that point?—A. Pretty distinct.

By the CHAIRMAN:

Q. During any of the conversations at the office of Mr. Perry, or anywhere else, while there, did you hear of any suggestions about this treaty that were not frankly and openly talked about?—A. I did not. I watched it with a great deal of interest. Although I was not present at the interviews, I knew after any conversation, from General Babcock and General Sackett, what had taken place, and I watched the matter with a great deal of interest. I knew those people pretty well for the time I was there, and watched them pretty carefully.

By Mr. HOWARD:

Q. Are you able to speak Spanish?—A. I could speak it formerly pretty well. I understand it now quite well.

Q. You understand it when spoken in your presence?—A. Quite well, but not so as to say that I speak it fluently.

By the CHAIRMAN :

Q. Did there seem to be any division of sentiment between Baez and his officials as to the propriety of the treaty, that you heard or learned of?—A. No, sir. They acted with a great deal of discretion, a great deal of judgment, and with the highest honor, so far as I could observe.

Q. Did you hear, on the part of General Babcock, any suggestions about any secret or other treaty than the one he went there to make?—A. No, sir.

Q. Did you see on the voyage, or at any time before it was consummated, a draught of the treaty which was sent down to be executed?—A. I did. I saw it on the voyage down.

Q. Have you seen the treaty as signed?—A. I was present at the signing of it.

Q. State whether it is substantially the same.—A. It is substantially the same.

By Mr. SHURZ :

Q. Do you say that you saw the treaty as signed?—A. I saw the treaty when signed and heard it read over article by article.

By Mr. WILLIAMS :

Q. Were you and General Babcock on confidential terms during the voyage?—A. Entirely so.

Q. Did he communicate to you his views and intentions and wishes about matters in San Domingo?—A. As fully as possible.

Q. Did he ever communicate to you at any time any desire or wish as to what should be done with Mr. Hatch?—A. Not the slightest.

Q. Do you remember whether or not he ever mentioned Hatch to you at any time?—A. It is possible, but not in any positive, direct way at all. He never mentioned it as a matter with which he had anything to do.

Q. Was no interest taken in the affair of Mr. Hatch by your party while you were in San Domingo?—A. None; it was a matter of which none of us had any charge.

Q. How often did you meet Baez while you were there?—A. Frequently.

Q. Did you ever hear him say anything about Mr. Hatch?—A. Not a word.

By Mr. SCHURZ :

Q. How did you meet General Baez? Socially, informally?—A. On two or three occasions I did. The first time, on going ashore, we went there and paid our respects officially, and afterward, whenever I saw him, it was entirely unofficially as far as I was concerned.

Q. You passed in and out there quite frequently?—A. I did not go to the palace myself often, but I would see him elsewhere, and very frequently those people would come in the consulate, where the conversations mostly took place.

Q. Baez himself?—A. Baez himself never came here.

Q. You say you saw President Baez elsewhere?—A. I saw him in the city.

Q. Walking on the streets?—A. Walking.

Q. When you saw him, were you always in company or did you see him alone?—A. I generally saw him passing from the plaza to the palace in the morning.

Q. Did you have conversations with him on such occasions?—A. No, sir; I talked with him very little.

Q. How often did you see him to converse with him?—A. Not more than three times, I think.

Q. Were you alone then or in company?—A. There were always other persons present.

Q. Who?—A. General Babcock, General Sackett, Mr. Perry, at the first interview; Captain Balch, of the Albany, I think, was present then, and possibly Mr. Fabens and Mr. Casneau.

Q. So President Baez is quite accessible?—A. He seemed to be so.

By Mr. FERRY :

Q. You were not present at the official interviews?—A. I was not.

Q. At none of them?—A. As a general thing not.

Q. Were you present at any of them?—A. No, sir.

Q. How, then, do you know that Baez and his advisers acted with discretion and honor?—A. I know it from the representations of people who reported it.

Q. What people?—A. General Babcock, General Sackett, Mr. Casneau, Mr. Perry.

Q. You do not know it of your own knowledge?—A. I had the same knowledge that almost any one would who was in the same place and heard it talked over.

Q. I think I have seen a document, or a report of yours, in regard to San Domingo. Have you not been there before?—A. No, sir. I have given some testimony with regard to San Domingo to Senator Morton.

Q. Have you given information in writing with regard to the island?—A. I gave testimony, which was reduced to writing in Senator Morton's rooms.

Q. With regard to the resources of the island?—A. Yes, sir.

Q. How did you become acquainted with those resources?—A. I do not think my testimony was very full on that point, because I could not give a great deal except from what knowledge I had. If you saw the testimony it was rather meager.

Q. Did you have any business interests in San Domingo yourself at any time whatever?—A. None. I never was in San Domingo except at this time I speak of.

By Mr. SCHURZ:

Q. Have you now?—A. I have not now.

By Mr. FERRY:

Q. You never had any business connection of any kind with the island?—A. I never had any business connection with the island, and have none now.

By Mr. SCHURZ:

Q. Had you any special facilities for acquiring information about the resources of San Domingo?—A. I wanted to get all the information I could, as in case the island should be annexed it would be my duty, probably, to have a good deal to do with it, officially, in the way of sending supplies there, and I wished to know what could be obtained in the island, and its capacities in different ways.

Q. From whom did you obtain your information concerning the resources of the island?—A. From all sources; from conversation and from the departments there. In the departments one has access to the records, and nearly all the statistics one wants can be found there in regard to the population and products of the country.

Q. So the statements you made, in the testimony you speak of, were based on what you found in the records of the departments there?—A. Partly that and partly from inquiries I made from persons who possessed information. I got it from all sources that I could gather it. I do not pretend that I gathered much; but what I could, I got.

By Mr. HOWARD:

Q. You obtained your information as other inquirers do?—A. In precisely the same way. I got it from the best sources I could.

By Mr. VICKERS:

Q. Did you hear any conversation about two treaties being prepared, one to suit the people there, and one for our government?—A. That I do not remember.

By Mr. WARNER:

Q. Did you have any knowledge, or hear in any way, of General Babcock, or anybody else connected with the treaty, having any business interests in the island?—A. No, sir. On the contrary, I am very sure that there was no idea of the sort. I was there in such a way as to have permitted me to have interests if I had chosen, the same as any other citizen; it was a matter that I have spoken of; but I had no idea of it at all.

By Mr. SCHURZ:

Q. You say you were there in a way that you might have had an interest like any other citizen, had you chosen. What do you mean to indicate by that? Was there any offer made to you?—A. No, sir; I mean that if I had seen fit to buy a plantation; or anything of that sort, there was no impediment.

By Mr. WARNER:

Q. Was there any conversation between you and General Babcock, or with Mr. Perry, or General Sackett, or any other one of your party, to the effect that you could secure any interest there which would become valuable by reason of the annexation?—A. I do not know that there was anything of that kind spoken of; certainly nothing important, nothing definite.

By Mr. SCHURZ:

Q. So something of that kind might have been spoken. Do you remember anything of that sort?—A. I do not remember of speaking about the matter with Perry, but I remember of thinking and talking about it the same as anybody else would, but there was no occasion, no opportunity; resulted in nothing; it was just simply speculative conversation.

By Mr. HOWARD:

Q. How long did your visit on the island last?—A. From the 18th of November to the 4th of December.

Q. Then you left the island and came home?—A. We went from there to Samana, and thence home.

By Mr. SCHURZ:

Q. Did you ever carry on any correspondence with Mr. Perry?—A. I think a letter may have passed between us.

Q. Did you carry on a correspondence with Mr. Casneau?—A. I do not remember ever to have written to Casneau at all. I did write to Fabens once, I think. I think I wrote to Mr. Perry once.

Hon. HAMILTON FISH, Secretary of State, called and examined.

By the CHAIRMAN :

Question. State, if you please, all you know in regard to the case of Davis Hatch, recently imprisoned in San Domingo.—Answer. I have had very little time to refresh my memory in detail since I received your letter inviting me to appear before you ; but, according to my recollection, the first intimation I had of any trouble in which Mr. Hatch was involved was in a dispatch received some time last September, I think, from Mr. Smith, who was then the commercial agent of the United States at San Domingo. His dispatch has been communicated to the Senate, and printed. He referred to it as the case of an American citizen who had been imprisoned, and whose case, I think, he had communicated to President Baez ; that he had been some length of time without any information from Mr. Hatch ; and there were some parts of the letter which, in communicating it first to the Senate, I did not think it worth while to transmit, because I did not think they bore upon the case. I think there were two dispatches which came about the same time. The correspondence following, the Senate has received and has had printed. I do not know that I can add anything to it. There was nothing up to that time that I have not communicated. By referring to the printed document, (Senate Executive Document No. 54, forty-first Congress, second session,) I can tell you the dates.

Mr. Smith's first dispatch is dated 4th September, 1869, at San Domingo City. His next dispatch is dated September 9, 1869. I think both those dispatches were received here at the same time ; in the latter of which he says :

"I cannot communicate anything further until I see Mr. Hatch, and am acquainted with the accusations on which he has been arrested."

The next dispatch from Mr. Smith was dated at San Domingo City October 8, 1869. In this dispatch Mr. Smith stated that Mr. Hatch had been brought to trial by a court-martial, and condemned to be shot ; that "the sentence was immediately forwarded by express to the President, who referred it to the 'senatus consultum,' and that body decided to pardon Mr. Hatch ; and an order from the government to that effect was sent to Azua, and I understand he is at liberty and will receive his passport."

We supposed that that terminated the case of Mr. Hatch, and that he was then at liberty. On the receipt of that dispatch, by the next steamer, on the 15th of November, a dispatch was sent to Mr. Smith, signed by Mr. Davis, the Assistant Secretary of State, stating that "the department hopes that the representations which have been made to the Dominican government respecting Mr. Davis Hatch have been successful."

It was supposed that that ended the case.

By Mr. HOWARD :

Q. Do you think that dispatch of November 15 was written after the receipt of Mr. Smith's dispatch to you, dated October 8?—A. I should only infer so from the tenor of it now. I have not had time to look up the date of the receipt of the various dispatches from Mr. Smith. On the 16th of November Mr. Perry wrote from San Domingo City :

"Mr. Hatch, the American citizen who has been imprisoned at Azua, I understand has been pardoned, on condition he leaves the country."

Q. Is that a correct date, "November 16, 1869?—A. I presume so.

Q. Does that correspond with the original manuscript letter?—A. I suppose so. I have had no opportunity of comparing these dates ; but these copies, which were sent to the Senate and printed, were transcribed carefully from the originals in the department.

Then, some time in the latter part of December, or probably the first of January, I received a note from Senator Ferry, calling attention to the fact that Mr. Hatch had not then been discharged. It is dated December 31, 1869. It is in the printed document to which I have referred. The date of its reception is not noted, but probably it was received on the 1st or 2d of January, 1870. It incloses a letter addressed to Senator Ferry, and one addressed to myself, from Mr. Stephen S. Hatch, the son of Mr. Davis Hatch. That was answered by a note from me to Senator Ferry of the 3d of January, 1870, detailing what the department then knew of the case, and stating that "the sentence was immediately forwarded by express to the President, who referred it to the senatus consultum, and that body decided to pardon Mr. Hatch, and an order from the government to that effect was sent to Azua, and he understood that Mr. Hatch was at liberty and would receive his passport. No further information has been received from Mr. Smith. Mr. Perry, the successor of Mr. Smith as commercial agent, states that 'Mr. Hatch, the American citizen who has been imprisoned at Azua,' had 'been pardoned on condition he leaves the country.' It is presumed that Mr. Hatch has been released and may be en route for the United States."

By Mr. WILLIAMS :

Q. I understand that, up to that date, the 3d of January, 1870, the State Department had no knowledge that Mr. Hatch was illegally detained in San Domingo?—A. None whatever. We knew that he had been ; but were informed that he had been tried, condemned, pardoned, and offered his liberty on condition of leaving the island, which we suppose had been done.

On the 11th of January, 1870, a letter from Senator Ferry to myself incloses "a letter from Mr. Davis Hatch, received this morning, and dated Azua, San Domingo, December 21, 1869, from which it appears that at the said date he was still in confinement."

The letter proceeds:

"I am aware that the present consular agent is not friendly to Mr. Hatch, being misled, as I believe, by false representations of others, but he certainly ought to attend somewhat more promptly to the rights of an American citizen, now admittedly held a prisoner without law.

"I would be obliged to you for a copy of the record for which Mr. Davis Hatch asked, and for an efficient order for his release."

The letter inclosed in that from Mr. Hatch to Senator Ferry was dated December 21, 1869, and is as follows:

Mr. Hatch to Mr. Ferry:

"AZUA, December 21, 1869.

"SIR: Since writing you on the 16th instant, I learn, to my great regret, that there was no steamer called at San Domingo on the 9th to take the mail to St. Thomas to meet the Brazilian steamer appointed to leave there on the 13th. I presume the mail has been sent to St. Thomas by a sailing vessel, but as there is no steamer from there except on the 13th, my letter to you of the 6th must wait until then, or take its chance from there by sailing vessel. I regret this the more, as there seems to be no hope of my release until an order comes from the government at Washington. Our commercial agent has not replied to either of my letters, and I know nothing of him. He has been in the country now forty days. His conduct is unaccountable, and to me it seems unpardonable.

"I forgot in my last to request to ask of the State Department the record of my trial from this government. I see this was done in many cases in 1866, between the British government and ours, and never refused.

"I cannot comprehend the motive, still less the justice, in holding me here, now nearly three months, since they were graciously pleased to commute my sentence to banishment. My sufferings are almost beyond endurance. Again begging you to intercede for me, and to demand my immediate release, if no order has already been given."

MR. FERRY. I will state that this is the first letter I received from Mr. Hatch. His preceding ones had miscarried. I subsequently received other letters of a prior date.

THE WITNESS. That letter was inclosed to me in Senator Ferry's letter of the 11th of January, and on the 12th I replied to Senator Ferry, acknowledging the receipt of his letter, and stating that I had the honor to inform him "that an instruction has been sent to-day to the United States commercial agent at San Domingo City to use his efforts to procure his release, and to extend to him such other good offices as he may be able to exert in his behalf. No record of the case has been received at this department respecting the imprisonment of Mr. Hatch, but the commercial agent has been instructed to obtain a copy of it, and to transmit it to the department by the first opportunity."

On the same day I addressed a dispatch to Mr. Perry in the following words:

"WASHINGTON, January 12, 1870.

"SIR: Representations having been made to the department that Mr. Davis Hatch, an American citizen, who had been imprisoned and condemned to be shot by the Dominican authorities, but who was afterward pardoned on condition that he would leave the country, is still in prison at Azua, you are instructed to use your efforts to procure his release, and to extend to him such other good offices as you can exert in his behalf. You will please obtain a copy of the process against him and forward it to this department by the first opportunity."

On the 2d of February, Senator Ferry wrote me, requesting "a duplicate of the last order issued from the State Department for the release of Mr. Davis Hatch, a citizen of Connecticut, now imprisoned at San Domingo. I wish to send a special messenger to San Domingo with this duplicate, a course which I believe to be necessary to secure the release of Mr. Hatch."

On the same day I addressed a note to Senator Ferry, transmitting to him "a certified copy of the instructions to Mr. Raymond H. Perry, United States commercial agent at San Domingo, dated January 12, 1870, respecting the imprisonment of Mr. Davis Hatch," which I have already read.

On the 8th of February, Mr. Perry wrote from San Domingo—

By MR. HOWARD:

Q. About what time was that received?—A. I can hardly tell you that. The steamers leave, here, I think, once a month; they sail from here about the 5th of the month, and from there about the 19th; and the trip takes from six to eight days. This dispatch, therefore, although dated the 8th of February, probably left San Domingo about the 19th, and was received here about the 28th of February. In this Mr. Perry acknowledges the receipt of the department's "communications of January 7, October 28, December 11." There was a

package of dispatches sent to New York, which were to have gone in one trip of the Tybee, which, by some miscarriage, lay over, and they were returned to the department and sent by a subsequent steamer.

"Your communications of January 7, October 28, December 11, January 15, and January 12, arrived by the Tybee on the 5th of this month. She leaves for New York to-morrow at 7 a. m. The communications relating to Davis Hatch, now confined at Azua, have been attended to. I wrote M. M. Gautier, the secretary of state, and he replied in a very unsatisfactory manner; a copy of both communications I inclose to you. He also sent a copy of the process against Hatch, but it arrived too late this evening for me to send a translation by this mail. I have requested the release of Mr. Hatch several times since my arrival, and the government promised to comply with my request, but they have kept their word no better in this matter than in many others."

Inclosed in that was a copy of Mr. Perry's note to Mr. Gautier, dated San Domingo City, February 5, 1870, in these words:

"SIR: I have several times verbally requested the release of Mr. Hatch, the American citizen now confined at Azua. I have this day received a communication from the Department of State at Washington (a copy of which I inclose to you) in regard to this matter, and it requests me to use my efforts to obtain his release. I am also ordered to send to Washington by the first opportunity a copy of the process against him. Will you furnish me with it? I must reply to the communication I have received by the steamer Tybee. Will you please inform me at once what your intentions are in regard to Mr. Davis Hatch?"

It also inclosed Mr. Gautier's reply to Mr. Perry, dated San Domingo, February 8, 1870, in these words:

"SIR: I have received your communication of the 5th instant, in answer to which I inclose the process concerning the cause of Mr. Davis Hatch. At the same time I must inform you that the government will occupy itself about the solicitude which you have shown in regard to the said Mr. Hatch; said solicitude has not been resolved of ere this on account of the reasons which we have explained to you in different times.

"I take this opportunity to renew the sentiments of my most distinguished consideration."

Q. That is a translation of the original Spanish, I suppose?—A. Yes, sir.

By Mr. FERRY:

Q. Please explain what is the paper headed "Communication from Mr. Felix M. Delmonte" at the end of the Senate printed Executive Document No. 54. It does not appear to be dated.—A. I have the original here in Spanish.

By Mr. HOWARD:

Q. Have you the original Spanish of the dispatch from Mr. Gautier to Mr. Perry?—A. I am not sure. I directed the chief clerk to put up all the papers indicated in the letter which I received from the committee, but I have not yet had time to look over the bundle of documents very carefully.

By Mr. FERRY:

Q. I supposed, on perusal of the paper to which I called your attention, that it was something that must have appeared in a newspaper?—A. No, it is a paper of Mr. Delmonte communicated in that way. The instructions were to translate all of it relating to the loan and to the Davis Hatch case. There is a little newspaper buncombe at the beginning of it, I believe, about Baez, but all that related to Davis Hatch and to the loan was directed to be translated, and was communicated to the Senate, and that is the document referred to. Here is the original of it, (producing a paper.)

By Mr. SCHURZ:

Q. Is this original signed?—A. Yes, sir; the letter transmitting the communication is signed "Felix Ma. Delmonte."

Q. Is it a newspaper article that he communicates?—A. It is a comment on newspaper articles. I see from the memorandum of the chief clerk that "Mr. Perry's dispatches numbered 5, 6, 7, and 9 are supposed to be at the Senate Chamber, having been sent to the Committee on Foreign Relations." We sent the originals of several papers to Mr. Sumner.

By Mr. HOWARD:

Q. Before proceeding with that matter, I wish to ascertain more clearly something in respect to Mr. Gautier's note to Mr. Perry, dated February 8, 1870. Did the original of that note from Mr. Gautier come to you?—A. No, sir; not the original.

Q. A translation?—A. A translation. Whether a copy was sent in the original Spanish or a translation made by Mr. Perry, I do not now remember.

Q. Are you quite sure that a translation was sent by Mr. Perry?—A. I am sure that either a copy of the original Spanish or a translation was sent by Mr. Perry.

(Mr. Perry states that the original of the note referred to, from M. Gautier to himself,

dated February 8, 1870, was not sent to the Secretary of State of the United States, but a translation was sent, which translation was made by the chief clerk in the Bank of San Domingo.)

By Mr. HOWARD:

Q. I will now come back, Mr. Fish, to the communication from Mr. Felix Delmonte, without date and without signature, in the printed document.—A. The letter communicating it is signed by Mr. Delmonte. What is printed is simply an extract from the paper which accompanied his letter. I should like to have Senator Schurz translate Mr. Delmonte's letter accompanying the communication that is printed, which letter I have here in the original Spanish.

By Mr. SCHURZ:

Q. This letter is addressed, "Highly respected General." To whom is it addressed?—A. My impression is that it was addressed to General Babcock, but it is not apparently addressed to any one.

Mr. SCHURZ translated the letter as follows:

"SANTO DOMINGO, February 8, 1870.

"HIGHLY RESPECTED GENERAL: Having seen the calumnies spread by several articles of the opposition, which our common friend, General Cazneau has the kindness to show me, I have written this article which is pretty long, but truthful. It concerns the truthfulness of facts proved by documents. I desire to write it out in a clean hand, but our friend had not time to wait for it. I beg you to have the kindness to translate it in order to send it to the principal newspapers so that the calumnies can be controverted by the truth.

"If you consider it too long, I beg you to have the kindness to condense it.

"Public opinion here is unanimous, and it will one of these days have expressed the national desire. I will ask you to increase your activity in order to promote the general understanding and acceptance of so vital a question.

"I believe that the President has written to his excellency President Grant, the day on which the whole country will have manifested its desire to belong to the Union.

"I wish you may have a good trip, and give my affectionate regards to the worthy generals, Ingalls and Sackett, and accept the expression of my distinguished consideration with which I subscribe myself, &c.,

"FELIX MA. DELMONTE."

By Mr. FERRY:

Q. That letter accompanied the paper which is at the end of the printed document?—A. Yes, sir.

By Mr. HOWARD:

Q. Did that letter inclose the document?—A. Yes, sir.

By Mr. SCHURZ:

Q. That is supposed to be addressed to General Babcock?—A. Yes, sir.

By Mr. FERRY:

Q. Did General Babcock give it to you?—A. I think General Babcock sent it to me. He was in the habit of sending to the State Department all papers relating to this matter. I do not see on the face of it any indication whence it came; but from his general communications with the department, I infer from the tenor of the letter that it must have come in that way. When the call of the Senate came in February last for information in regard to Davis Hatch, I ordered a translation of all that portion of it which related to Davis Hatch or the loan, and the translation which you see in the printed document is an extract from that article.

Q. Felix Delmonte is the Dominican minister of justice, I believe?—A. Yes, sir.

By Mr. HOWARD:

Q. Part of his communication is printed in Executive Document No. 54, part 1.—A. The translation of all that part of the document which related to the case of Davis Hatch and to the loan. The rest was apparently newspaper buncombe. This printed communication, Senate Executive Document No. 54, brings down all the correspondence to its date, and with the exception of those dispatches which we could not find this afternoon in the department, and the numbers of which I have stated to you from Mr. Chew's memorandum as having been already sent to the Senate, I have the subsequent correspondence. The next thing we received from Mr. Perry was a telegram—

By Mr. WILLIAMS:

Q. Before proceeding to that, can you state why these particular documents were sent to the Senate and others omitted?—A. I cannot speak positively, but I imagine that those I did not send in answer to this call related more particularly to the negotiation of the treaty.

Q. Were they specifically called for by anybody?—A. I presume they were called for by Mr.

Sumner. He called for the correspondence on certain particular points, and we selected, therefore, all that related to the questions to which he directed our attention. I have now gone through the printed document. After that the next thing we received was a telegram from Mr. Perry :

"SAN DOMINGO, February 20, 1870.

"Voting has commenced with much enthusiasm. Returns from the interior and the vote in this city yesterday, February 19, was unanimous for annexation. Everything very quiet and favorable.

"RAYMOND H. PERRY."

The next is an unofficial communication from Mr. Perry, addressed to me, dated February 20. I do not suppose the committee want that.

Mr. SCHURZ. Let us have it, if there is no objection.

The WITNESS. This letter, which is marked "unofficial," is dated "San Domingo, February 20, 1870, signed by Raymond H. Perry," and addressed to me. In it he says :

"During my official duties at this place I have come in contact with Mr. Cazneau and Mr. Fabens, who are acting in connection with General Babcock. The former represents himself as the special and confidential agent of the government, and makes his boast that he is in direct communication with the President of the United States. The letters he receives from the Executive Mansion he uses as capital for himself and friends. I found it necessary to tell this man in the presence of President Baez and his cabinet, that he was a trickster and a dishonest man ; and I have, since this little affair, upon the 18th of this month, occurred, been assured by the President and his cabinet that they think I am very near the truth in my remarks, and that I have their entire respect and confidence. I do not wish to trouble you with any of my private affairs, but when such men as I have mentioned are in correspondence with the departments, it is time my government should be informed of their character. Referring to my official letters,

"I am, &c."

Then there is from Mr. Perry a dispatch of February 8, containing a translation of Mr. Gautier's letter in respect to which you asked for the original.

The next is Mr. Perry's dispatch of 12th March, as follows :

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"*San Domingo City, March 12, 1870.*

"SIR : In further compliance with your communication of January 12, No. 6, I have again requested the release of Mr. Davis Hatch, until now confined at Azua. I have been promised so many times his release, that my last communications may appear somewhat sharp or abrupt. I inclose a copy of them, written on the 8th and 9th of March, 1870, and the reply from M. M. Gautier, secretary of state. The government of San Domingo has given me no satisfactory answer, so I referred the matter to Admiral Poor, who is at this port. He demanded his release yesterday, the 11th, and an order from this government has been forwarded to Azua for his surrender to this consulate, in order that he may take passage on the Spanish steamer, via Havana, for New York, which steamer will probably leave here on the 20th of this month.

"I have written the circumstances connected with the confinement of Mr. Hatch, in my last communication to your department ; they may be traced back several years. I think it unnecessary for me to repeat them, as this question is settled. Hoping that my action will prove satisfactory to the department,

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,

"*United States Commercial Agent.*

"Hon. HAMILTON FISH,

"*Secretary of State, Washington, D. C.*"

By Mr. SCHURZ :

Q. What dispatch does he refer to in which he had explained the circumstances of Mr. Hatch's case?—A. He says, "in my last communication to your department." This dispatch is No. 10. No. 9 is one of those which are not now in the department, but with the Committee on Foreign Relations.

[Mr. PERRY stating that he had his original dispatch-book, containing dispatch No. 9, was asked to read it, and did read it as follows :

"Up to the date of my last communication, No. 8, political matters were as I stated them. Since then they have taken a sudden change ; reports of elections and pronunciamientos coming in from all parts of the island. An election was held in this city yesterday, the 19th of February. Seven hundred votes were taken, and the President, Baez, informs me with but one opposing vote. The cause for this sudden change, since my last communication, is that President Baez has been very slow and timid. The people have been anxious for the

step to be taken. The protection and time allowed to President Baez for this step is growing short. If the United States ships were withdrawn he could not hold the reins of this government. I have told him this, and that my government, the United States, were awaiting the expression of his people, and that the former would not act without the latter. Everything at present is working very favorably. Cabral has left the frontier of this government and everything is quiet. The United States steamer Swatara, present commander W. W. Allen, arrived the 19th from New York. I received copies of telegrams from Havana between the Department of State at Washington and American consul Hall. Have not heard of or from Admiral Poor since he left Key West for Port au Prince. We think he is at the latter place.

"Please find inclosed late San Domingo papers, relating to the annexation; inclosed communication relating to Hatch, and situation of island, from M. M. Gautier."]

Mr. SCHURZ (to Mr. Fish:)

Q. Have you that inclosure, the communication from Gautier?—A. It must be with No. 9. I think, however, the reference in the dispatch which I read is probably to No. 8, which I see has reference to something in regard to Mr. Hatch. Part of No. 8 is printed.

Q. Will you please read the whole of that dispatch?—A. It is as follows:

"SAN DOMINGO CITY, February 8, 1870.

"SIR: Your communications of January 7, October 28, December 11, January 15, and January 12, arrived by the Tybee on the 5th of this month. She leaves for New York to-morrow at 7 a. m. The communications relating to Davis Hatch, now confined at Azua, have been attended to. I wrote M. M. Gautier, the secretary of state, and he replied in a very unsatisfactory manner; a copy of both communications I inclose to you. He also sent a copy of the process against Hatch, but it arrived too late this evening for me to send a translation by this mail. I have requested the release of Mr. Hatch several times since my arrival, and the government promised to comply with my request, but they have kept their word no better in this matter than in many others.

"I do not like to express my own opinion too freely, and would not but from a sense of duty. Cazneau and Fabens have used their influence to keep him where he is for certain selfish and financial reasons known to themselves, and President Baez is only too willing to be influenced by them. These two men are the individuals of whom I have previously hinted as being connected with General Babcock in his negotiations for Samana Bay, &c. They receive private letters from the Executive Mansion at Washington which they display here. President Baez has intimated to Captain Bunce (of the Nantasket) and myself that he will not have an election taken for annexation until after our government has acted upon this matter, and daily remarks that the United States government has not kept its promises to send men-of-war to their coast. He seems very timid and lacks energy.

"I write thus plainly because I do not think the Dominican government is acting honorably in this matter, and it is time the department knew how matters stand. I have thought what I have now written for some time, but I supposed it was perhaps prejudice.

"Since the return of the Nantasket from Azua, where she went with President Baez and several of his cabinet, I have had an interview with Captain Bunce, and he is of the same opinion as myself in regard to matters here, and told me he should express himself thus to the Navy Department.

"I inclose quarterly returns and will forward quarterly accounts by next mail.

"I am, sir, most respectfully, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent."

The next is a dispatch, No. 11, from Mr. Perry, dated March 11, 1870. It relates entirely to commercial matters connected with his office, and has nothing to do with the case of Davis Hatch or political matters in San Domingo.

His dispatch, No. 12, was dated March 12, and is as follows:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
"San Domingo City, March 12, 1870.

"Hon. HAMILTON FISH, Secretary of State, Washington, D. C.:

"I sent you a telegram by Spanish steamer, via Havana, informing the department that voting for annexation to the United States had commenced with much enthusiasm. The voting in all parts of the island is unanimous; there remains but one place to be heard from, that is Puerto Plata, and President Baez informed me this evening that he had unofficial information from that place that the majority for annexation was very strong.

"The Severn lies at this port; the Swatara left for Samana the 9th; the Nantasket goes to Puerto Plata to-morrow, the 13th; the Yantic lies in the river at this city. Admiral Poor, on board the Severn, is expected to remain at this port for some time. Everything is

very quiet at present throughout the country. There was a rumor, a few days since, that Cabral was assembling some men on the Haytien border; but his attempts are futile

"There is a French man-of-war reported at Samana Bay.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,
"United States Commercial Agent."

Accompanying this letter, and on the same sheet with it, was the following, marked "unofficial and private:"

"To Hon. HAMILTON FISH, *Secretary of State, Washington, D. C.*

"SIR: There is at times much excitement in this city, as the opposition to annexation is stronger here than any part of the island. There was a well-organized plan a few nights since to get possession of the arsenal, rob the treasury, and assassinate the President, (Baez.) Many of the leaders were arrested, and are now confined; some of them officers; two are generals in the Dominican army. This may be of little importance; but it was of sufficient importance for the president and members of his cabinet to request me not to write it to my government. I only know my duty, and that is to keep nothing secret from my government.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,
"United States Commercial Agent."

There is also accompanying this same dispatch a note to Mr. Perry from Mr. Gautier, as follows:

["Copy and translation.]

"SAN DOMINGO, March 12, 1870.

"MY DEAR SIR: It is with feelings of satisfaction that I inform you the acts of the voting throughout the interior has been received, except Puerto Plata, and they manifest the desire to become part of the great republic of the United States.

"The acts at Puerto Plata will soon be ascertained, and are coming now. The result of the votes will be speedily communicated to the United States.

"I am, with much consideration,

"M. M. GAUTIER.

"RAYMOND PERRY, Esq."

There is also accompanying it a newspaper, (El Boetin Oficial,) "with important speeches of members of the cabinet, generals," &c., in Spanish.

The next dispatch, No. 13, was dated March 12, addressed by Mr. Perry to me, and is as follows:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo City, March 12, 1870.

"SIR: Not being in my usual good health, and desiring to take my family to the States, I ask for a leave of absence, to be taken at any time from now and by the first of June. I will leave a thoroughly responsible gentleman in charge of my consular duties. I take a great interest and pride in sustaining the reputation of a good servant to my government, and were it not for existing circumstances I would not ask permission to visit the North at present.

"I trust my request will receive a satisfactory reply.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,
"United States Commercial Agent."

"Hon. HAMILTON FISH,

"Secretary of State, Washington, D. C."

No. 14 was dated March 17, and is as follows:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo City, March 17, 1870.

"SIR: The Yantic sails for Havana with returns of the election for annexation, &c. Referring to my communications to the department, forwarded per steamer Tybee, of the 12th instant, numbered 11, 12, and 13, I have now to inform you that Mr. Davis Hatch has been delivered to this consulate this day, and sails on the Yantic for Havana this evening by order of Admiral Poor. I also inclose a translated copy of the charges preferred against Mr. Hatch.

"I beg to call the attention of the department to my application for leave of absence, if compatible with my duties, in order that I may visit Washington.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,
United States Commercial Agent.

"Hon. HAMILTON FISH,
Secretary of State, Washington, D. C."

By the CHAIRMAN :

Q. Is the inclosure containing the charges against Mr. Hatch there?—A. I have that document here.

The document is as follows :

[Coat of arms of the Dominican Republic.]

"VALENTIN RAMIREZ BAEZ, GENERAL OF DIVISION AND DELEGATE OF THE GOVERNMENT IN THE PROVINCE OF AZUA, NUMBER 1324.

"AZUA, August 30, 1869.

"CITIZEN: According to what is learned from the proceedings initiated in consequence of the occupation of Barahona by the government troops, relative to the deeds committed in said place during the permanence of the rebel party, Mr. Davis Hatch, a foreigner, is found culpable of participation with said faction against the legitimate government. In consequence thereof his imprisonment has been ordered, and he actually finds himself on board the schooner of war Alta Gracia as such. Therefore, without further delay, you will attend to the preparatory proceedings against such gentleman, in order to continue them, and to bring to an illustration his deeds; and to that effect you will summon the following citizens to declare, viz: Elias Ramirez, Francisco Ferrera, Santiago Talavera, and all others who might declare against said Hatch. God and liberty.

"V. RAMIREZ BAEZ.

"Citizen COMMANDER OF ARMS AT AZUA.

"DOMINICAN REPUBLIC.

"In the city Compostela de Azua, on the 13th day of August of the year 1869, the twenty-sixth of our independence, seventh of the restauration, and second of the regeneration, it being 12 m. We, José Maria Rodriguez, army general and commandant of arms of this city, assisted by our secretary, and fully installed in our office, and having at sight the official note of the citizen general and delegate of the government in this province, bearing date of the 30th of the present month, No. 1324, in which it is ordered that legal proceedings should be initiated against the foreigner, Davis Hatch, for being culpable of participation with the faction against the legitimate government in the process formed for the inquiry of the deeds which took place in the town of Barahona, in consequence thereof, we initiate the present verbal process, and do ordain, by means of summons, the presence of the following citizens: Elias Ramirez, Francisco Ferrera, Santiago Talavera, and Guillermo de la Paz, that they might be questioned. So it was ordered and signed by the general commander of arms and his secretary, who certifies.

"JOSE MARIA RODRIGUEZ,
GALO MONZON, Secretary.

"On the same date, a man appeared, whose name will be hereafter stated, and after being sworn, was asked for his name and surname, age, civil standing, profession, and place of residence. He answered that his name was Santiago Talavera; of thirty-six years of age; a bachelor; a merchant; a resident of the town of Barahona, and accidentally in this city.

"Asked: What information can you give us of the conduct observed by Mr. Davis Hatch during the permanence of the faction in the town of Barahona?—Answered: That all he can say respecting the question made him is, that all the resources brought to the faction from abroad were deposited in Mr. Hatch's house, and that, moreover, he had seen several times that, from the ammunitions of war which were deposited in another house by the faction, powder and lead were taken to Mr. Hatch's, and there manufactured into cartridges. He moreover stated that when the commandant of arms and the administrator had to make a payment, they drew a bill in favor of the creditor, which was paid by the aforesaid Hatch, and that is all he knows and can declare on the oath he had given. And after having read him his declaration, he said he was satisfied, and signed with us, the commandant of arms and the secretary, who certifies.

"SANTIAGO TALAVERA.
JOSE MARIA RODRIGUEZ.
GALO MONZON, Secretary.

"Immediately after, we had another man appear, whose name we shall hereafter state, and his oath being taken, was questioned in the following manner:

"Asked: His name and surname, age, civil standing, profession, and place of residence, the number of the battalion, company, and regiment, and if he were in any way a relative to Mr. Davis Hatch.—Answered: That his name was Francisco Ferrero; of sixteen years of age; a single man; a farmer by trade; domiciliated in Barahona, and a resident of a place called Juan Estevan; that he belonged to no corps, nor was he in any way related to the aforesaid Hatch.

"Asked: What knowledge have you of the conduct observed by Mr. Davis Hatch during the permanence of the faction in the town of Barahona?—Answered: That while the rebels occupied Barahona, he observed that the goods and flour brought them from abroad were deposited in the house of Mr. Davis Hatch, and from where clothing was taken out to be divided among the troops, as was also flour, in order to make bread, he not knowing the cause of such proceedings.

"Asked: Do you know whether Mr. Davis Hatch's home served also as a deposit of arms or ammunitions of war to the insurgents?—Answered: That the armament was kept in a different house; and that from there quantities of powder and lead were taken to the house of Mr. Davis Hatch, where they were manufactured into cartridges. That was all he knew and could say on the oath he had taken.

"And after having read him his declaration, he said he was satisfied, not signing it, for not knowing how to write, we doing it in his stead, the commandant of arms and the secretary, who certifies.

"JOSÉ MARIA RODRIGUEZ.

"GALO MONZON, *Secretary*.

"Immediately after, a man was made to appear, and whose name will be hereafter stated, and having been taken on oath was questioned as follows:

"Asked: His name and surname, age, civil position, profession, and residence, number of battalion, company, and regiment.—Answered: That his name was Guillermo de la Paz; nineteen years of age; a single man; and by trade a farmer; domiciled in Barahona, and a resident in the place called Caballero; soldier of the Cachon company.

"Asked: What do you know of the conduct observed by Mr. Davis Hatch during the permanence of the rebels in Barahona?—Answered: That all he knows respecting the question made him is, that all the goods brought from abroad for the insurgents, such as flour, rice, hats, and dry goods, were all deposited in the house of Mr. Davis Hatch, and from there taken as they were needed.

"Asked: Where did the insurgents deposit their arms and ammunitions of war?—Answered: That the muskets and lead were kept in the house of Mr. Agustin Cambier, and that the powder, brought in barrels, was at the house of Mr. Davis Hatch, after having been brought from the place where were to be found the muskets and lead, which operation was done in order to manufacture cartridges, as it was customary to see the ammunition already prepared taken from the house of the above mentioned Hatch. That all he had declared was nothing but the truth in accordance with the oath taken.

"And after this declaration was read to him he stated that he was satisfied, and as he could not sign it, for being unable to write, we did so for him, the commandant of arms and the secretary, who certifies.

"JOSÉ MARIA RODRIGUEZ.

"GALO MONZON, *Secretary*.

"In the city of Augusta, on the 2d day of the month of September, of the year 1869, twenty sixth of the independence, seventh of the restauration, and second of the regeneration, at 12 m., we, José Maria Rodriguez, commanding general of arms of this city, assisted by our secretary, and fully installed in our office, a man appeared, whose name we shall hereafter state, and who, having been taken on oath, was questioned in the following manner:

"Asked: His name and surname, age, civil standing, profession, domicile, military degree, number of battalion, company, and regiment, and if he was in any way according to law related to Mr. Davis Hatch?—Answered: That he is named Elias Ramirez, of thirty-eight years of age, a single man, a breeder of cattle by trade, domiciliated in the town of Barahona; that he is not a military man, and that he is in no way connected with the gentleman alluded to in the question just made him.

"Asked: What knowledge have you of the conduct observed by Mr. Davis Hatch during the permanence of the insurgents in the town of Barahona?—Answered: That all he knows is that Mr. Hatch's house was the place where General Cabral made it a custom to lodge at, and that he knows, moreover, that from there the insurgent troops were provided with goods.

"Asked: Do you know which was the deposit of arms and ammunitions of war of the insurgents?—Answered: That one day when he was conveyed a prisoner to a place called Rincon, saw a convoy with ammunitions of war leaving the house of Agustin Cambier, with direc-

tion to the same place where he was taken as a prisoner, and that after he arrived there he heard say that cartridges were manufactured at the house of Mr. Davis Hatch. That that was all he knew and could say on the oath he had given.

"And after this declaration was read him, he expressed his satisfaction, signing with us the commander of arms and the secretary, who certifies.

"ELIAS RAMIREZ.

"JOSE MARIA RODRIGUEZ.

"GALO MONZON, *Secretary.*

"Under same date a man appeared, whose name we shall hereafter state, who, after having been sworn, was questioned in the following manner:

"Asked: His name and surname, age, civil standing, profession and domicile, and if he was in any way connected by law to Mr. Davis Hatch?—Answered: His name was Sinforoso Batista; thirty-four years of age; a single man; a merchant by trade; domiciled in Barahona; and that he was in no way connected with Mr. Davis Hatch.

"Asked: What do you know respecting the conduct observed by Mr. Davis Hatch during the stay of the rebels in the town of Barahona?—Answered: That when the rebels arrived at said place, several rebel chiefs lodged themselves in the house of Mr. Hatch, and that when they received ammunitions of war, such as goods and provisions, these were deposited in the said house, though the powder and lead were deposited in another house and from there brought to that of Mr. Davis Hatch, in order that they might be manufactured into cartridges. That that was all he knew and could say on the oath he had taken.

"And after this declaration was read him, he expressed himself satisfied, signing with us, the general commander of arms and secretary, who certifies.

"SINFOROSO BATISTA.

"JOSE MARIA RODRIGUEZ.

"GALO MONZON, *Secretary.*

"In the city of Azua, on the 3d day of September, in the year 1869, twenty-sixth of the independence, seventh of the restauration, and second of the regeneration, at 12 m., before us, José Maria Rodriguez, general commander of this city, assisted by our secretary and duly installed in our office, a man was made to appear, whose name we shall hereafter state, and who was questioned as to the following:

"Asked: His name and surname, age, civil standing, profession, and residence.—Answered: His name is Davis Hatch, of fifty-six years of age; married; a merchant by trade; domiciliated and a resident in the town of Barahona.

"Asked: By what motives do you find yourself arrested, or do you presume that you are?—Answered: That he ignores the motives of his detention, and inasmuch that he had not been warned of it.

"Asked: The motive of your arrest being the partiality shown to, and your connivance with, the rebels during their permanence or stay in Barahona, tell us what reasons induced you to lend your aid to the faction?—Answered: That he has been impartial to both parties, protecting neither.

"Asked: How could you have been impartial to both parties, when by several declarations received at this office we see that your house of habitation was a place where the faction deposited their merchandise and provisions, as well as were cartridges manufactured for the war?—Answered: That when the steamer *Telegrafo* arrived, he particularly invited his friends, Messrs. Valverde, Pujol, and Curiel, to lodge in his house; but that, after this had taken place, the remaining chiefs took possession of his house, doing as they pleased, making use of its interior apartments as well as of its accessories; that he could not prevent it because, though it was done against his will, yet he had no power to compel them to act otherwise; and that in consequence he protested against them, which protest resulted in a disagreement between his three friends and General Márcos Adon, and from which cause the latter abandoned that place: that after that event all his troops retired, as did also the aforementioned Valverde, Curiel, and Pujol.

"Asked: There is a witness who declares that when the commander of arms, or the rebel administrator, desired to make a payment, the order was delivered to an individual, and it was paid by you; what can you answer to this?—Answered: That what has been asked him is false; that he had never honored such orders, nor received any kind of drafts from the faction; and that the truth is, that sometimes individuals with whom he carried on the mahogany business would present themselves with a promissory note, which they had received from the insurgents, and as a matter purely commercial, and in order to favor his customers in mahogany, he did accept said notes at a discount.

"Asked: In what sense did the chiefs of the insurgents issue their notes?—Answered: That said notes expressed the object taken from the individual, as well as the sum of its value and its inversion among the troops.

"Asked: Did you recognize as legitimate the government of the authorities that issued said notes?—Answered: That he had accepted those chiefs not as government but as authorities, and that under this consideration he had no difficulty in trading, particularly with his mahogany customers; that as he had seen six revolutions and equal changes of gov-

ernment in four years, more or less, and the present one being for more than three months, occupying in quiet possession a great extent of territory as that from Petit Frou to San Juan, receiving constantly means from abroad as well as via San Juan, and not receiving any news from or about the government, he believed it to be a settled question, and for that reason considered those chiefs as authorities, as he had before stated

"Asked: What kind of money did the notes you negotiated express?—Answered: That they were issued for hard money.

"Asked: Against which treasury were they drawn?—Answered: Against none, that they were simple promissory notes.

"Asked: As a stranger, and observing such conduct, did you not consider you would compromise yourself with the government?—Answered: That as he had acted in a similar manner during the revolution that brought about the fall of Cabral, he never thought he could incur in any trouble whatever in the present one, when his posterior negotiations with Generals Tomas Sepúlveda *alias* Lane, and Antonio Cuello *alias* Blas, were accepted by General Valentine Ramirez Baez himself.

"In this manner the proceedings were suspended, in order to be continued afterward, if necessary, and after his declaration was read to him, he expressed himself satisfied, and would sign it, notwithstanding the absence of his consul, it being a necessary requisite to declare a settlement, according to the treaty existing between the Dominican government and the American nation, to which he belongs, reserving the rights that said treaty might concede him.

"DAVIS HATCH.

"JOSE MARIA RODRIGUEZ.

"GALO MONZON, *Secretary*.

"*Procedure.*

"Having received all the declarations necessary for the initiation of the present process, consisting of eight written pages, we closed this that it might be sent to the citizen general and delegate of the government in this province, to attend to the different acts that may hereafter take place. Thus it was ordered and signed by the general commandant of arms and the secretary, who certifies.

"JOSE MARIA RODRIGUEZ.

"GALO MONZON, *Secretary*.

"I, the undersigned, secretary, certify that I have, on this date, delivered to the citizen general and delegate of the government in this province the aforesaid process.

"GALO MONZON,

Secretary.

"AZUA, September 3, 1869.

"*Procedure.*

"Having perused and examined the aforesaid process against Mr. Davis Hatch, permitted to pass the same to the citizen the minister of war, that he may act in accordance to law.

"VALENTINE RAMIREZ BAEZ.

"FELIX MARTINEZ, *Secretary*.

"AZUA, September 7, 1869.

"There is a seal, on which is stamped "God, country, and liberty."

"No. 1026.

"DOMINICAN REPUBLIC,
"SECRETARY OF STATE'S OFFICE FOR WAR AND NAVY,
"San Domingo, September 14, 1869.

"CITIZEN: Annexed you will find a process initiated by the citizen commandant of arms of Azua against Mr. Davis Hatch who finds himself arrested in this city, and having been remitted with the aforesaid process by General Valentine Ramirez Baez, delegate of the government in the province of Azua, with the object that Mr. Davis Hatch, as an American citizen, may declare before his consul. So you will proceed, assisted by your secretary, in the capacity of instructing judge *ad interim*, that his declaration might be taken at 7 o'clock in the morning of the 14th of the present month, and advise his consul of the same before declaring, if he desires to be present to the act. After the declaration having been taken, you will remit it to this office, with the proceedings, so as to act accordingly. God and liberty.

"The Minister of War JOSE HUNGRIA.

"CITIZEN COMMANDER OF ARMS OF SAN DOMINGO.

"Having received the aforesaid dispatch from the citizen minister of war, be it fulfilled according to the order of said authority, advising the American Consul to that effect so that he may be present to the declaration of Mr. Hatch, if he desires it. So it was ordered by the citizen commander of arms of this city, in his capacity as instructing judge *ad interim*, before me, the secretary *ad hoc* who certifies.

"M. LOVELACE.
"J. M. GONZÁLEZ.

"Immediately, and in accordance to the aforestated order, the American consul was advised of the same.

"M. LOVELACE,
"Secretary.

"To-day, the 16th of September, 1869. In virtue of the dispatch from the citizen minister of war, dated 14th of the present month, under No. 1026, accompanying the proceedings initiated in the province of Azua against Mr. Davis Hatch, a resident of Barahona, expressing the desire of said individual to amplify his declaration given at Azua, and it having been ordered that the consul of the United States of America be notified to that effect so that he might be present to the act, if he so deems it convenient, we, Juan de Mata González, commander of arms of this capital, and assisted by the present secretary, the consul of the United States of America having previously been advised to that effect, we compelled a man to appear before us in our office, free and without irons, and whose name and qualities we shall hereafter express:

"Asked: His name and surname, age, profession, civil standing, place of birth and residence.—Answered: Davis Hatch, of fifty-six years of age, a merchant by trade, and an agent of a society in the United States, married, born in the United States, a resident of Barahona, and accidentally in this capital.

"Asked: If he knew or presumed the motives of your arrest?—Answered: No; that he can only state a few of the answers given by him in the declaration taken at Azua.

"Asked: Explain to us the reason why you were questioned at Azua on the 3d of the present month.—Answered: That he could state nothing more than what he had already said in his former declaration.

"Asked: What motives compelled you to manifest an open partiality in favor of a faction that wars against the principles of the only legitimate government in this republic, and which is recognized by your government and other powers?—Answered: That he had ever been neutral with the different governments without politically taking part in any, but as in Barahona there was no safer and larger house than his own, it was the reason why Generals Pujol, Curiel, and Valverde selected it, through his invitation, at the arrival of the steamer Telegrafo at Barahona, and that General Cabral, when he visited the town, used to stop there also.

"Asked: How can you say that you are impartial, when we see by your declarations that you shielded with your name and with the immunity of a stranger, the property of the faction, converting at the same time, your house into an arsenal, where cartridges were manufactured in order to hostile the legitimately constituted government, and making it at the same time the headquarters of the rebel chiefs?—Answered: That in reality cartridges were manufactured in a shed situated in the yard of his house, though without his consent.

"Asked: Whether the rebel chiefs ever drew on him for the merchandise and provisions found in his house?—Answered: No; that the administrator in the town, who they had appointed, was the one who received the promissory notes and used to take the goods from his house.

"Asked: Is your permanence in Barahona due to an accident, or was it the effect of the insistence on your part in obtaining it from our government through the respectable mediation of your consul?—Answered: No; that was only his pending business in that town, and his responsibility with a company compelled him to be there in order to work the salt mines.

"Asked: Whether the notes he negotiated were in hard money and against which treasury they were drawn?—Answered: That they were drawn against no treasury whatever; that they were bought by him for half their value more or less, and paid in merchandise, and that he received said notes with the hope of their being some day guaranteed to him, as happened in the case with General Tomás Sepúlveda, alias, Lane.

"Asked: Whether General Tomás Sepúlveda, or any other officer of the regenerating revolution of the year 1867, ever drew on him, or asked merchandise in order to sustain themselves?—Answered: Never; that whenever he gave them anything it was without notes.

"Asked: If he had more to state?—Answered: No; that what he had already stated to-day and in his former declaration was all he could say. Thus ended these proceedings

which were signed by the United States consul, present, after they were read to him by us, the commander of arms *ad interim*, and the undersigned secretary *ad hoc*.

"JNO. SOMERS SMITH,

"United States Commercial Agent.

"J. M. GONZÁLEZ.

"DAVIS HATCH.

"MANUEL LOVELACE, Secretary.

"SAN DOMINGO, September 14, 1869.

"The declaration of Mr. Davis Hatch being concluded, we ordered it to be annexed to the process and remitted with due formality, to the citizen minister of war. It was so ordered by the citizen commander of arms, in his capacity as instructing judge *ad interim*, before me, the secretary *ad hoc*, who certifies.

"J. M. GONZÁLEZ.

"M. LOVELACE, Secretary.

"Immediately, and in due form, was the process remitted to the citizen minister of war.

"M. LOVELACE, Secretary.

"There is a seal on which is stamped the following words: 'God, country, and liberty.'

"DOMINICAN REPUBLIC POLITICAL GOVERNOR'S OFFICE OF THE PROVINCE OF SAN DOMINGO.

"In the city of San Domingo, on the 29th day of December, 1868, the twenty-fifth of the independence, sixth of the restauration, and second of the regeneration, before us, General Damian Baez, civil and military governor of the capital and province of San Domingo, accompanied by the citizen interpreter of this port, and assisted by the undersigned secretary, we made a man appear, and after taking his oath, we questioned him as follows:

"Asked: His name and surname, age, civil standing, profession, place of residence, and whether he knew to read and write?—Answered: That his name was William Home, of twenty-nine years of age, a single man and a sailor by trade, accidentally in this capital, knows how to read, and belongs to the crew of the English brig W. B. Torrett, lately from Barahona.

"Asked: What do you know of the powder landed at Barahona, and brought by the English brig W. B. Torrett?—Answered: That said vessel, when at St. Thomas, to be dispatched for this port, he being the steward, the mate gave him a box, ten feet long, more or less, and about fourteen inches deep, and told him to deposit said box in the captain's cabin; and he having asked what it contained, received no answer. That when they arrived to this port the vessel was visited by the custom-house officers, who found said box. That after the vessel left the port to load at Barahona, he saw the captain land in said place provisions, in three barrels, and he also saw him take from said box twelve cans of powder, and Mr. Davis Hatch six, which they landed, placing them in their pockets and bosoms. That for the second time he saw the captain take a straw basket, which he filled with cans of powder, which were also landed and taken, as the first eighteen, to the house of Mr. Davis Hatch, in Barahona. On the next day, being Sunday, he called the pilot and told him what had passed, and he answered him that he had observed nothing.

"Asked: Who else, besides Mr. Hatch, had interfered in the powder affair at Barahona?—Answered: That the only ones he saw interfere in this matter were the captain, Mr. Hatch, and a boy belonging to the crew of the aforesaid English brig W. B. Torrett.

"Asked: Have you anything more to declare respecting what took place at Barahona in reference to the powder and Mr. Hatch?—Answered: That after the powder was landed and taken to Mr. Hatch's house, he knew no more about it.

"Asked: Have you anything further to declare after the arrival of the English brig W. B. Torrett to this port from that of Barahona?—Answered: He has nothing further to declare except, that after the pilot had landed the night before, he did not see him till about half-past three p. m. next day, and having met him, the first thing he was asked was, whether he had already declared, at the captain of the port's office, what he had told him respecting the powder landed at Barahona by the captain and Mr. Hatch, and taken to the latter's house; to which he answered in the affirmative. Then the pilot asked him whether he had stated in the declaration that he (the pilot) also knew of the landing of said powder; to which he also answered in the affirmative; and that moreover he had declared that he (the pilot) knew of the affair, as he had told him of it the day after the landing of the last lot; that then the pilot told him that he ought not to have done so before his declaration had been given, as he might be punished for it.

"Asked: What was the cause of your deserting your vessel?—Answered: Because having claimed my salary from the captain, he told me that I had gained nothing, and I came on shore in search of a person to have my rights claimed.

"Asked: Have you anything further to declare respecting the subject on which you are interrogated?—Answered: Nothing further.

"And, as we requested him to sign with us this declaration, he answered that he ignored the art of writing. Signed:

"THE GOVERNOR.

"It is a true copy according to the original, and which I certify. The Secretary,
"P. M. GAUTIER.

"There is a seal on which are stamped the following words: 'God, country, and liberty.'

"Copy of the dispatch addressed by the Minister of Foreign Affairs to the Minister of War and Navy:

"DOMINICAN REPUBLIC,
"SECRETARY OF STATE'S OFFICE FOR WAR AND NAVY,
"San Domingo, September 20, 1869.

"CITIZEN: In compliance with the desires manifested to me by your dispatch of the 14th day of the present month, No. 1028, I have the honor of inclosing you the copies of the correspondence held between this ministry and the United States commercial agent, and marked with the letters A, B, C, D, the second and fourth being in the English language, with the sworn translation of the interpreter of this port. From said correspondence you will deduce which were Mr. Hatch's motives in going to Barahona, and the particular reservations made on him. I avail myself of this opportunity to renovate to you the sentiments of my most distinguished consideration.

"M. M. GAUTIER,
"Minister of Foreign Affairs.

"Copied by me, the auxiliary officer of the ministry,

"M. ARREDONDO.

"[A.—Copy.]

"No. 257.]

MINISTRY OF FOREIGN AFFAIRS,
"San Domingo, April 6, 1868.

"MY DEAR SIR: It is proved by documents that have been made public through the press that Mr. Davis Hatch, who calls himself a citizen of the United States, was complicated in an evident manner in the political affairs of the Dominicans, his partiality for the past administration and his hostility to the actual order of things being notorious. Under any other circumstances, and as long as it were only a matter of opinion, my government would have tolerated and even appeared indifferent to the conduct observed by an individual who says he belongs to a nation friendly to the republic, but, according to the treacherous plans which the Dominican emigrants propagate in the neighboring island Curaçao, and of which the government has sufficient proofs, one of the places selected for their first operations was Barahona, where Mr. Hatch actually resided, and from whom they expected deficient personal co-operation, and resources of a different kind. Mr. Hatch's antecedents grant the right to my government to immediately compel him to move his residence, but you being convinced of the spirit of justice that animates that of the United States, and which is to be common to its agents, we expect that you, being convinced of the right that assist our government, will be so kind as to intimate to Mr. Hatch his abandonment of the town of Barahona, and coming to this city in the shortest possible time. My government, in taking this step, is with the laudable object of preventing that any other measure should be interpreted as contrary to the desire which it has of maintaining intact the cordiality existing between the Dominican Republic and that of the United States, and we hope that you will be persuaded of these sentiments. I avail myself of this opportunity in offering to you my respects and distinguished consideration.

"M. M. GAUTIER.

"To the CONSUL OF THE UNITED STATES OF AMERICA IN THIS CITY.

SAN DOMINGO, September 16, 1869.

"A true copy:

"The Chief Officer of the Ministry of Foreign Affairs,
"FEDERICO RAMIREZ."

DAVIS HATCH.

"[B.—A copy.]

"UNITED STATES COMMERCIAL AGENCY,

"*San Domingo City, June 18, 1868.*

"SIR: At the earnest solicitation of Mr. Davis Hatch, I have the honor to request permission from your government that he may be allowed to return to Barahona. Mr. Hatch has pledged to me his word of honor that neither directly nor indirectly will he in any way interfere or meddle in the political affairs of this country, and as I have his solemn assurance to that effect, I sincerely trust that your government will grant the required permission without delay, as the commercial interests of Mr. Hatch at Barahona are greatly prejudiced by his absence. Please favor me with a reply at your earliest convenience.

"I have the honor to be, with distinguished consideration and respect, your obedient servant,

"JNO. SOMERS SMITH.

"*United States Commercial Agent.*

"To the Hon. MINISTER FOR FOREIGN RELATIONS,

"*San Domingo.*

"SAN DOMINGO, *September 16, 1869.*

"It is a true copy. The chief officer of the ministry for foreign affairs.

FEDERICO RAMIREZ.

"Traduccion.—B.

"AGENCIA COMERCIAL DE LOS ESTADOS UNIDOS,

"*Santo Domingo, 17 de Junio de 1868.*

"SEÑOR: En virtud de la solicitud del Señor Davis Hatch, tengo el honor de pedir permiso á su gobierno para que le sea permitido al dicho señor volver á Barahona. El Señor Hatch me ha empeñado su palabra de honor de que, ni directa ni indirectamente, no intervendrá, ni se mezclará, en los asuntos políticos de este país, y como que tengo las seguridades las mas solemnes as efecto, confío sinceramente en que su gobierno concederá sin tardanza el permiso solicitado puique la ausencia del Señor Hatch de Barahona perjudica grandemente sus intereses comerciales. Agradeceré á V. una contesta tan prosito le sea conveniente. Tengo el honor de ser, con distinguida consideracion y respecto, su atento servidor.

"JNO. SOMERS SMITH,

"*Agente Comercial de los Estados Unidos.*

"Al Hon. MINISTRO DE LAS RELACIONES EXTERIORES, *¿c., &c., &c.,*

"*Santo Domingo.*

"SAN DOMINGO, *September 15, 1869.*

"I certify this to be a true and faithful translation from the original, written in the English language.

"The interpreter of this post, P. A. M. MONSANTO."

"[C.—A copy.]

"No. —.]

"MINISTRY OF FOREIGN RELATIONS,

"*SAN DOMINGO, June 22, 1868.*

"MY DEAR SIR: At due time I have received your communication dated the 17th instant, soliciting a permission that Mr. Davis Hatch might return to Barahona, stating at the same time that this gentleman had pledged you his word of honor not to meddle either directly or indirectly in the political affairs of the country, and that you are sure of the sincerity of this promise. In answer to which I will state that the government, impulsed by its spirit of conciliation and attending to your interposition in the matter, permits Mr. Hatch to return to Barahona; and that it might be understood, notwithstanding, that it does not renounce through this circumstance to the right which the antecedents of Mr. Hatch have caused to dictate the measure of compelling him to a change of residence, in case the conduct of this gentleman were not in accordance to the one promised you to be observed. The actions to be taken then will be of such a character as the reiteration exacts under his pledged word.

"I have the satisfaction of signing with sentiments of my most distinguished consideration,

"Your humble servant and friend,

"M. M. GAUTIER.

"To the COMMERCIAL AGENT OF THE UNITED STATES IN THIS CITY.

"SANTO DOMINGO CITY, *September 16, 1869.*

"A faithful copy:

"The chief officer of the ministry of foreign relations,

"FEDERICO RAMIREZ.

["D.—A copy.]

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"*San Domingo City, June 23, 1868.*

"SIR: I had the honor to acknowledge the reception of your note of yesterday, informing me that Mr. Hatch is at liberty to return to Barahona. I duly appreciate the conciliatory spirit evinced by the Dominican government in the case of Mr. Davis Hatch, and respectfully tender my thanks and acknowledgments on the occasion.

"I remain, with distinguished consideration and regard, your obedient servant,

"JNO. SOMERS SMITH,

"*Commercial Agent of the United States.*

"To the HON. MINISTER FOR FOREIGN RELATIONS, *San Domingo, &c., &c., &c.*

"*SAN DOMINGO, 16th September, 1869.*

"It is a faithful copy:

"The chief officer of the ministry of foreign affairs,

"FEDERICO RAMIREZ."

"[D.—Traduccion.]

"AGENCIA COMERCIAL DE LOS ESTADOS UNIDOS DE AMERICA,

"*Santo Domingo, 23 Junio de 1868.*

"SEÑOR: Tengo el honor de acusar resibo de su nota de ayer informandome que el Señor Hatch tiene la libertad de volver á Barahona. Aprecio debidamente el espíritu conciliador demostrado por el gobierno dominicano en el caso del Señor Davis Hatch por lo que ofrezco á V. mi agradecimiento y doy respetuosamente las gracias. Con distinguida consideracion quedo su atento servidor,

"JNO. SOMERS SMITH,

"*Agente Comercial de los Estados Unidos.*

"Al Hon. MINISTRO DE LAS RELACIONES EXTERIORES, &c., &c., &c.,

"*Santo Domingo.*

"*SANTO DOMINGO, 15 de Setiembre de 1869.*

"Certifico ser fiel y verdadera la presente traduccion, y conforme al original escrito en idioma inglés.

"El interprete del puerto.

"P. A. M. MONSANTO.

"Procedure:

"VALENTIN RAMIREZ BAEZ,

"*General of Division and Delegate of the Government*

"*in the Province of Azua.*"

"GENERAL HEADQUARTERS OF AZUA, *September 21, 1869.*

"The anterior proceedings having been returned by the citizen minister of war, and the declaration of Mr. Davis Hatch having been taken before the consul of the United States of America, and the other acts of proceedings having been brought to a close, which documents are annexed, be said proceedings remitted to the citizen commander of arms of this place for further legal purposes.

"VALENTINE RAMIREZ BAEZ.

"FELIX MARTINEZ, *Secretary.*"

"*Procedure.*

"In compliance with what was ordained by the citizen minister of war and the citizen delegate of the government in this province, I have remitted the proceedings to the citizen commander of arms in this place, containing twenty-six useful pages, three white and the cover.

"HEADQUARTERS OF AZUA, date *ut supra.*

"FELIX MARTINEZ, *Secretary.*

"There is a seal on which are stamped the words 'God, country, and liberty.' "

"DOMINICAN REPUBLIC—VALENTINE RAMIREZ BAEZ, GENERAL OF DIVISION AND DELEGATE OF THE GOVERNMENT IN THE PROVINCE OF AZUA, No. 1424.

"CITIZEN: On the 9th of the past month, and previous, the requisites of law, the person of Mr. Davis Hatch, as well as the proceedings initiated against him, were remitted by this

delegation to the citizen minister of war for the investigation of the deeds committed by said gentleman during the permanence of the insurgents in Barahona, with the object of amplifying his declaration before the consul of the United States of North America, according to the stipulations in the treaty which exists between the two republics; and his questioning having taken place before said consul, and annexed to the regular proceedings all the copies of the notes which took place in this matter between the ministry of foreign affairs of the republic and the consul of the United States, there is one more declaration added taken by the citizen governor of the capital, in the month of December last, relative to the English brig W. B. Tarrett, that went to load at Barahona under the consignment of Mr. Davis Hatch. Said proceedings were returned to this delegation by the citizen minister of war, with the object of their being remitted to that commander of arms' office for further legal investigation.

"For this object I inclose it, that you may immediately proceed to take the declaration of Mr. John Emanuel Scroggins, who at the present moment, is a prisoner in that commander's office, and who must have a knowledge of the conduct observed by Mr. Davis Hatch, when he occupied in Barahona the position of commander of the port; his declaration must serve to confirm the deeds declared by the other witnesses. After said declaration be taken, as well as any other that might produce further proofs, you will remit the proceedings to this delegation for what might further take place. I recommend you most particularly to be very careful in the way of renewing the proceedings, and of following their course in accordance to law. God and liberty.

"VALENTINE RAMIREZ BAEZ.

"AZUA, September 21, 1869.

"Citizen GENERAL COMMANDER OF ARMS at Azua.

"In the city of Compostela de Azua, on the 22d day of the month of September of the year 1869, the twenty-sixth of the independence, seventh of the restauration, and second of the regeneration, it being 8 a. m., before us, José Maria Rodriguez, army general and commander of arms of this place, assisted by the present secretary in our office, having before us the note of the general delegate of the government in this province, dated the 21st of the present month, numbered 1424, and in which, among other things, ordains that this office may renew the questions in the proceedings initiated against Mr. Davis Hatch, so that Mr. John Emanuel Scroggins may render his declaration as commander of the port of Barahona, as well as any other person who may have a knowledge of the conduct observed by Mr. Davis Hatch during the time of the insurrection in Barahona, and for the expressed reasons and in compliance with the order alluded to, we renew the questions of these proceedings, and we order the person of John Emanuel Scroggins may appear before us, so that his declaration may take place, as well as that of any other person which may be deemed necessary. After this takes place, return the proceedings to the general delegate of the government in this province for further action. So it was ordered and signed by the general commander of arms and secretary, who certifies.

JOSÉ MARIA RODRIGUEZ.

GALO MONZON, Secretary.

On the same date we had a man appear, whose name we shall hereafter state, and, after his oath being taken, was questioned in the following manner:

Asked: His name and surname, age, civil standing, profession and domicile.—Answered: He was named Juan Manuel Scroggins, of fifty-three years of age, a widower, a sailor by trade, domiciliated in the capital of San Domingo, and a resident of the Romana.

Asked: What do you know of the conduct observed by Mr. Davis Hatch with the insurgents during their permanence in the town of Barahona, and as well as of your own in said place?—Answered: That during the time that he was in Barahona he lived always near to the sea, and occupied himself by fishing; that it was very seldom that he came to town; but the few times he did so he could see that Mr. Davis Hatch's house was visited as often by the commander of arms, as well as by the rest who accompanied him; that he also observed that General Cabral had lodged in the same house one day he came to the encampment.

Asked: Do you know where the insurgents deposited their provisions, merchandise, and ammunitions of war?—Answered: That what he saw landed from the steamer Telegrafo were ammunitions, merchandise, and a few straw hats, and, according to what he was told, they were immediately taken by a convoy to the interior; that he does not know the use they could have made of other articles of said class, for, as he had before stated, he lived distant from the town; that this was all he knew and could declare on the oath he had taken. After his declaration having been read him, he stated he was satisfied, signing it, with the general commander of arms, and secretary, who certifies.

JOSÉ MARIA RODRIGUEZ.

JUAN MANUEL SCROGGINS.

GALO MONZON, Secretary.

"Procedure.

"This declaration having been received, and having no others to take, allow these proceedings to be remitted to the citizen general delegate for further action. It was thus ordained and signed by the general commander of arms, and secretary, who certifies,

"JOSE MANUEL RODRIGUEZ.

"GALO MONZON, *Secretary.*

"Procedure.

"On this date I have had these proceedings handed to the citizen general delegate of the government, it being filled by the declaration given by the witness, Juan Manuel Scrogins, consisting of thirty-one pages.

"GALO MONZON, *Secretary.*

"AZUA, *September 22, 1869.*

"Procedure.

"VALENTIN RAMIREZ BAEZ, GENERAL OF DIVISION AND DELEGATE OF THE GOVERNMENT IN THE PROVINCE OF AZUA.

"Having seen and examined the proceedings against Mr. Davis Hatch, a North American citizen, I order them to be remitted to the citizen attorney general of war of this province, according to what is ordered in the 184th article of the penal military code in force.

"FELIX MARTINEZ, *Secretary.*

"GENERAL HEADQUARTERS OF AZUA, *September 25, 1869.*

"Procedure.

"In compliance to the orders given by the citizen delegate of the government, I have delivered these proceedings to the citizen attorney general of war of this province. Date *ut supra.*

"FELIX MARTINEZ,
"Secretary.

"Received the foregoing proceedings for further action.

"The Attorney General,
"EVARISTO AYBAR.

"AZUA, *September 25, 1869.*

"There is a seal on which are stamped the following words: 'God, country, and liberty.

'DOMINICAN REPUBLIC.—VALENTINE RAMIREZ BAEZ, GENERAL OF DIVISION AND DELEGATE OF THE GOVERNMENT IN THE PROVINCE OF AZUA.—NO. 1439.

"CITIZEN: In conformity to what is ordered in the article 184, chapter the 2d, 4th treatise of the military penal code in force, I remit to you the proceedings initiated from superior order, by the citizen commander of arms of this place, against Mr. Davis Hatch, a North American citizen, that you may further act according to law. God and liberty.

"VALENTINE RAMIREZ BAEZ.

"Citizen ATTORNEY GENERAL of the Council of War.

"AZUA, *September 25, 1869.*

"GOD, COUNTRY, AND LIBERTY—DOMINICAN REPUBLIC.

"In the city of Compostela de Azua, on the 27th day of September, in the year 1869, twenty-sixth of the independence, sixth of the restauration, and second of the regeneration, it being 12 m., we, Evaristo Aybar, a colonel of the army and acting as accusing attorney of the council of war of the province, assisted by the undersigned, secretary of said council, and in conformity with the articles 189 and 190 of the military penal code in force, and in virtue of a requisition from the political superior chief, by his note dated the 25th instant, under No. 1439, accompanied with the proceedings for the prosecution of a prisoner, we went to one of the cells of the public jail of this city and required the appearance of said prisoner, free from irons, in order to be questioned:

"Asked: His name and surname, age, profession, and military rank, number of his company, battalion, and regiment.—Answered: That he was named Davis Hatch, of fifty-six years of age, married, a merchant by trade, an agent of a society in the United States, the place of his birth, and actually in the public prison of this city.

"In consequence thereof, the prosecuting attorney declared to the prisoner that he was to be tried by the council of war, advising him, at the same time, to select any one to defend him.—Answered: That he would think about it.

"This being brought to a close on the same date, hour, and month, and year aforesaid, it was also read to the prisoner, and signed with us, the prosecuting attorney and secretary, who certifies:

"DAVIS HATCH.

"EVARISTO AYBAR.

"RAFAEL GARRIDO ROSA,
"Secretary.

"DOMINICAN REPUBLIC.—ACT OF ACCUSATION.

"We, Evaristo Aybar, colonel of the army, attorney general of the council of war, of the province of Compostela de Azua, in virtue of the order and proceedings sent to me by the citizen civil governor of this province, which forms a part of said proceedings, and having had yesterday, the 27th of the present month, Mr. Hatch identified, we told him at the same time that he was to be submitted to the jurisdiction of the council of war, and advised him to freely select a person that might aid him in his defense. In virtue of which it is lawful to accuse Mr. Davis Hatch, a citizen of the United States of America, of fifty-six years of age, married, and a merchant by trade, a resident in the town of Barahona, and actually detained in the public jail of this city, as accused of the crime of enticement, according to the fourth incise of the fifty-ninth article of the military penal code in existence, and of the eighty-sixth article of the common penal code, of the official edition of 1867, applicable to this case; and in conformity with the one hundred and twenty-eighth article of the said military penal code, which orders that, in case of deficiency, the councils of war should be governed by it. In consequence thereof, the said prisoner, Davis Hatch, is submitted to the military jurisdiction of said council, in conformity to the executive power's decree of the 14th of January of the present year, which declares the province of Azua in a state of siege, and subject to the exclusive competence of a council of war all crimes and faults perpetrated there from the date of its promulgation.

"In virtue of the criminal proceedings initiated against said Hatch, it is proved, even to evidence, that, with tenacious interest and stubbornness, he has lived in Barahona, notwithstanding his knowledge of that place being menaced by a faction of so alarming a character as to be, from its first outbreak, a real gang. That, not acknowledging the legitimacy of the only constituted government recognized, by his having trafficked openly with the faction, negotiating and discounting its notes of credit, and fraternizing with its members in the most scandalous manner. That, according to its antecedents brought to view in these proceedings, it is proved that he himself went on board the English brig W. B. Torrett, in order to take from a case which was kept for him by the captain a number of cans of powder, which said Hatch brought over in his pockets, and had, also, others hidden by other persons, in order that they might be brought ashore at Barahona, the government having made him understand that his presence was not convenient in said place, and he persisted in obtaining permission for returning to it, offering his house as a lodgment and as a store and arsenal to the enemies of the constituted government. Lastly, that in his own declaration he confesses his hostility, though endeavoring to palliate his conduct by stating 'that he recognized the rebel chiefs as authorities, because he had seen in this country, in the space of more than four years, six revolutions.' In virtue of which, the prosecuting attorney of the council of war does formulate against the prisoner, Davis Hatch, the following charges: 1st. That he had knowingly seconded the enterprises of the enemies of the republic, and lent himself to protect, in his quality as a stranger, the operations of a thieving, warlike, sanguinary, and devastating faction. 2d. For having spontaneously, and of his own will, converted his own house into a lodgment known by the chief leaders of said faction, cultivating with them the most friendly relations. 3d. For having authorized said chiefs and rebels to transform his own house into a known arsenal, wherein were manufactured and sent from ammunitions of war, destined to hostile the legitimate government. 4th. For having most efficaciously aided the insurgents, providing them all the necessities, and negotiating their drafts, which he paid in order to give them means for their wants. In consequence thereof, said Davis Hatch is accused of having committed the crime of enticement, with no extenuating circumstance, said crime being provided for, and qualified according to the fifty-ninth article of the military penal code, in its fourth incise, and by the eighty-sixth article of the common penal code in force.

"Hall of Justice of the city of Compostela de Azua, on the 28th of September, 1869, twenty-sixth of the independence, sixth of the restauration, and second of the regeneration.

"The Prosecuting Attorney,

"EVARISTO AYBAR.

"It has been notified, and a copy of the same given by the undersigned to the prisoner, Davis Hatch, to-day, the 28th of the month of September, in the year 1869, speaking

to him in person, and in presence of the keeper of the public jail, by me, Manuel de Castro, first sergeant of the battalion 'Chavalo,' and constable of the council of war of this province. Signed by myself, the prisoner, and jailer, which I certify.

"MANUEL DE CASTRO.

" *Procedure.*

"Evarista Aybar, colonel of the army and prosecuting attorney of the council of war of this province, having brought to a close the duties incumbent on me, after having found integral the proceedings in all its parts, I dispose of them by sending the same to the president of said council, that he may act accordingly.

"The Prosecuting Attorney,

"EVARISTO AYBAR.

"AZUA, 29th of September.

" *Procedure.*

"I, the undersigned secretary, certify that these proceedings were immediately, and with due attention, sent to the citizen president of the council of war, containing thirty-seven pages; date *ut supra*.

"RAFAEL GARRIDO SOSA,

" *Secretary.*

" 'GOD, COUNTRY, AND LIBERTY.'—DOMINICAN REPUBLIC.

"CITIZEN: The undersigned, defender of the accused, Davis Hatch, begs to say to you that the declaration of General Federico de Jesús García, respecting the powder which he found in the house of said Hatch on his entrance into Barahona, is necessary to his defended, and not being able to have said general called, for finding himself absent from this city on important duties, and supposing, as it is natural, that he has already notified to the delegation of the government respecting the fact alluded to, I beg of you to have the kindness of asking from the citizen general delegate information (if he have any) about the same matter, which, after being obtained, he begs to have it annexed to the list of proceedings against his defended. At the same time, he also requests, it being convenient to you, to have appear in the hall of this council of war the person of Fernando Felix, as a favorable witness, who will be found in the section of Pueblo Viejo, and at the house of Mr. Bonifacio Suero. 'God and liberty.'

"JUAN MIRANDA.

"AZUA, September 29, 1869.

"Citizen PRESIDENT of the Council of War of this Province.

" *Procedure.*

"The above solicitation having been taken in view, have its particulars sent to the citizen delegate of the government, so that, after his examination, he may inform the council of war of what is asked for further proceedings, and to summon Mr. Fernando Felix on the day of audience.

"AZUA, 29th of September, 1869.

"The President,

"JULIAN PÉREZ.

" *Procedure.*

"I, the undersigned secretary, certify that immediately after I presented and handed over to the citizen general delegate of the government the written judicial proceedings, I also sent a note to the citizen commander of arms for the presence of Mr. Fernando Felix, date *ut supra*.

"RAFAEL GARRIDO SOSA,

" *Secretary.*

"There is a seal on which are stamped the following words: 'God, country, and liberty.'

"DOMINICAN REPUBLIC, VALENTIN RAMIREZ BAEZ, GENERAL OF DIVISION AND DELEGATE OF THE GOVERNMENT IN THE PROVINCE OF AZUA—NUMBER 1455.

"CITIZEN: In answer to the solicitation addressed me on this date, and respecting the one you received from the citizen Juan Miranda, in his capacity as counselor of the accused, Mr. Davis Hatch, I state to you that, from the proceedings initiated by General García at Barahona on the 14th day of August, for the inquiry of the deeds that took place in that

town, it appears that at Mr. Hatch's house were found a barrel and a half of flour, a number of balls manufactured in the same house, thirty-two cans of powder, two pounds and a half of lead, half a ream of paper, and several books and documents belonging to the offices of Samana, which were taken there by the pirates of the steamer Telegrafo. Some of these effects are deposited in this town, and are the paper, lead, and twenty-six cans of powder, and which are at the disposition of the counsel as objects of conviction. I state this for your guidance. 'God and liberty.'

"VALENTIN RAMIREZ BAEZ.

"AZUA, September 29, 1869.

"Citizen PRESIDENT of the Council of War of this Province.

"DOMINICAN REPUBLIC.

"CITIZEN: The undersigned, counselor of the accused, Davis Hatch, states to you that his defended has expressed to him the necessity he has of some documents to be found in his trunk in the capital, and for which reason begs from the competent authority a prorogation of the case for the time used in obtaining them; therefore I beg of you to accede to the demand, if it be convenient. 'God and Liberty.'

"JUAN MIRANDA.

"AZUA, September 30, 1869.

"Citizen PRESIDENT of the Council of War of this Province.

"Notify the same to the prosecuting attorney, that he may give his opinion on the matter at the proper time.

"AZUA, October 1, 1869.

"The President,

"JULIAN PÉREZ.

"The prosecuting attorney's conclusion.

"RESPECTABLE COUNSEL: Resulting, that, from the process initiated against the prisoner Davis Hatch, a criminal deed appears, according to the existing military penal code, which subjects him to the jurisdiction of the council of war, in conformity with a decree of the executive power, dated January 14th ultimo, and which declared the province in a state of siege. Resulting, that, from the declarations registered in the proceedings, the partiality practiced by the mentioned Hatch to the insurgents, during their permanence in Barahona, and place of residence of the prisoner Hatch, it is fully proved, for the witnesses in their declaration say that the prisoner, Hatch, offered his house as a lodging place to the chiefs of the faction, and its accessories as a deposit and arsenal. Resulting, that, by a document, which can be seen on the 16th page of the proceedings practiced in San Domingo in the month of December, by the citizen governor, Damian Baez, it is proved that he has since then been conspiring against the legitimate government, and entices for the purpose of unsettling the order of things established. Considering, that, should the accused, Hatch's rash and tenacious ideas have been brought to a realization, the country to-day would have seen itself plunged into the most raging anarchy, deploring the affluence of a monetary system which has been the cause of the destruction of the largest capitals of the republic. Considering, that, if the accused, Hatch, in his quality as a stranger, does not care what kind of government be adopted, it is much less permitted him, in his said quality to desire to change the legitimate form of government of order, enlightenment, and progress for a lawless one, without restraint, and which may in justice be called a gang of war-like robbers. Considering, lastly, that, as neither the accused nor his defender could say anything that might lessen in part the different charges that have been brought against him in these proceedings, which occupy to-day the important attention of the honorable council, the prosecuting attorney concludes by stating that it is sufficiently proved, by what has been already exposed, that the prisoner, Davis Hatch, a native of the United States of North America, has for some time been meddling with the affairs of the country, thriving unfaithfully, shielded by the nationality without taking into consideration that the Dominican Republic is ruled by a legitimate government, and possesses zealous magistrates and wise laws, that make it invulnerable to any aggression. In consequence thereof, the prosecuting attorney declares the aforementioned prisoner, Davis Hatch, culpable of the crime of enticement, in conformity with the fifty-ninth article of the existing military penal code, in its third and fourth incises, and eighty-sixth article of the penal common code of the last edition of the year 1867, in its last part, reserving to himself the wise and respectable decision of the honorable council, so as to, at a proper time, invoke the punishment or make his objections.

"The Prosecuting Attorney,

"EVARISTO AYBAR.

"AZUA, October 1, 1869.

"Defense.

"RESPECTABLE COUNCIL: Having been called upon and selected by the accused, Davis Hatch, a citizen of the United States of America, to aid him in his defense respecting the accusation which is to-day made against him, I come before you to fulfill my trust. I confess

beforehand, that my most limited capacity is not sufficient to undertake so great a responsibility, not because I believe, nor have admitted as true, the charges just made against him, but yes, because the innocence of my defended, obscured, as it is, by the black veil of acrimony, needs a superior and more able head than mine in order to make clear the reasons that militate in his favor; but, however, my earnest desire and your indulgence will fully replace my insufficiency. The mission of the lawyer, and which I to-day undertake, is of commenting upon the proceedings in their true light, and of refuting the prosecuting attorney's accusation in all that it be accessible, presenting the jury an analysis of the circumstances that favor my defended. This is the task I will so badly undertake, and for which I beg of this honorable council the favor of dedicating to me their whole attention, as this case is in its nature of a great magnitude. I will immediately begin, taking as a starting point the list of proceedings which cause the accusation. The declarations taken from the witnesses in this dispatch nearly all attest that the house of my defended served as a deposit for the effects of war of the insurgents, as well as for the manufacturing of cartridges to war against the government; but though this be true, we must also attend to the fact that none of them declared that the accused, Davis Hatch, willingly facilitated his house that it might serve as a deposit and arsenal, as is proved by the declaration given by the witness Francisco Terro, in which he states he did not know the motives for so acting. This proves the uncertainty of the deed, and notwithstanding the coloring that the prosecuting attorney gives to it, it becomes powerless, null, and without merit; for, moreover, we see from the declaration given by my defended, that if he had lodged the rebels Curiel, Pujol, and Valverde, it was done because they were his particular friends, which he could do without incurring in any responsibility whatever; not only in his quality as a stranger, but even in that of a Dominican, as this action could not injure him in solely complying with the duties of old friendship, especially when situated in the manner he was, when things were in an unsettled state of neglect and conflict.

He had to take advantage by all means, as a measure of personal security, of that guarantee offered him by said friends, though momentary and fictitious, they bearing the character of command among the rebels, and who could, at a given moment, injure his person and interests, as they did later by occupying his house, availing themselves of the apparent immunity which their criminal condition as rebels offered them. In this same charge is to be found an implicit circumstance which you ignored and which remains proved by the oral declaration of Fernando Felix. I shall refer to said circumstance because it adds much in proving the innocence of the accused. It is that, when Marcos Adon came to Barahona, and by means of force took possession of Mr. Hatch's house, making use of all he found in it; and as said Hatch disagreed as to its occupation, he manifested to his friends his unwillingness, protesting verbally against such violence; and as said friends also enjoyed the rank of superior chiefs, disagreed with Adon, which resulted, as a consequence, in his retirement with his forces and deposited effects, as also the aforementioned Curiel, Valverde, and Pujol, who, fearing an assault by the government troops, went afterward to take refuge in Neyba, or some other place that they may have offered them a greater security than Barahona, being their terror such as to have left several things at the house they abandoned. This is no sophism. It is the declaration of my client aided by that of Fernando Felix. Now, gentlemen, let us have a moral principle. Every action of man has a motive, a good or evil tendency, very well. Proved as I have, with the aid of Fernando Felix's declaration, that the accused Hatch did not like that his house should be occupied by Marco Adon, what was the cause of this disagreement and what did he intend to gain by his opposition?

It is clear and evident that the disagreeability took place for the little deference he paid to that state of things, of which Adon was one of the principal chiefs, and Mr. Hatch's purpose, the engendered desire of not serving him though, compelled so to do. He obtained his object by doing the government, in an indirect manner, the favor of demoralizing and reducing them to almost nothing, as it is proved by the non-resistance of the rebels when General Federico de Jesus Garcia attacked them. Can my defended deserve the heavy charge imputed against him, rather than a vote of thanks? I cannot believe it; neither can I believe that others could, if they considered and reflected more impartially. The witness Santiago Talavera states that my defended negotiated the notes of the insurgents; neither does he deny it; but although this witness gives to this circumstance an indefinite character, I will, according to the informations I possess from the accused, explain the manner in which it was done. On two occasions several individuals with whom he had business presented themselves, proposing him, as a commercial affair, the sale of three or four notes they possessed; and as it was possible that these individuals might have been maliciously inclined, he feared and was compelled to accept the negotiation, though he might have lost the merchandise given in exchange; for, by so doing, he was safe from a sinister that might have attempted against his life, especially when those people, not having any responsibility whatever, he feared on a night being pillaged by them, if he refused to accept said documents which they believed to have been of some value, and as the sum was so small as not to materially injure his interests, he resolved and exchanged said notes for merchandise, procuring them at a heavy discount, thus proving the little faith he had in such notes.

The prosecuting attorney, among other of his charges, states "that it is proved to evidence that my defended with pertinacious interest had endeavored to reside in Barahona,

notwithstanding his knowledge of that place being menaced by a faction he designates a gang.' I feel sorry to refute a charge which evinces the mistake incurred by the prosecuting attorney and how far away he is from the truthfulness of his assertion; yet I cannot help doing it, for as his statement does not in any way honor my defended, but on the contrary places him on slippery ground, his version of it might serve to create a similarity of opinion in the minds and pure hearts of the members who form this respectable council. When the prosecuting attorney said that my client had been obstinate, and desired pertinaciously to live in Barahona, &c., he did not bear in mind, neither did he care to state, that the pediment for said permission asked by the consul of the United States of North America to the citizen minister of foreign affairs, and who actuates in this process, was made on the 17th of June, 1868, and its concession granted on the 22d of the same month and year, the time when no such a faction existed, for the outbreak headed by the Ogandos took place on the 1st of September last. In consequence whereof, the entire republic enjoyed perfect tranquility, and the town of Barahona, enjoying also said benefits, was occupied by the legitimate authority from which we deduce the proof of the enormous error committed by said prosecuting attorney. We must also accept, if justice is administered to my defended, that his instance in June last to go to Barahona, was not a mere caprice nor an ill-founded desire, and less with a sinister view, but yes, because he was well established and related there, and in consequence his commercial establishment finding itself accepalous, he was compelled to return in order to attend to it, a reason expressed by the consul of the American Union in his aforementioned solicitation.

"I believe to have clearly expressed myself in this particular, and hope your indulgence will accept as reasonable my objections on the charge already alluded to, and that it may be annulled by your conscience. In a paragraph of the act of accusation, your prosecuting attorney also expresses himself in the following terms: 'That my defended, not recognizing the legitimacy of the only constituted government, and recognized by his own, had trafficked bare facedly with the faction; negotiating and discounting its documents of credit, and fraternizing with its members in a scandalous manner.' It is a sad thing, honorable council, that fear should be thus interpreted and qualified with such acrimony, for Mr. Hatch acted in a precautionary manner, endeavoring to save his person and interests, as I have before stated, because he found himself in the midst of a horde of thieves, and it is singular that a circumstance which does not exist should be presented to you and the auditory as a truthful one. Did Mr. Hatch in fact declare that he did not acknowledge the legitimacy of the actual government? I believe he did not, and I can assure he expressed that he did not hold as legitimate the rebel authorities, but only as mandarins of said town, then in a state of revolution, which was the truth. On the other hand, does the act of his having received three or four documents in a commercial way, proceeding in this manner through precaution, merit the hard name of a bare-faced rebel trafficker, and the unjust charge of his having in a scandalous manner fraternized with the insurgents? I believe, gentlemen, that this is not right. When a man deliberately commits a punishable act, he is accused; but this act is presented to the judge in a truthful light, but never exaggerated by venious void of veracity. If my defended scandalously fraternized with the faction, how was it that he was opposed to Márcos Adon occupying his house, to the extreme of compelling him indirectly to retire to Neyba?

"This is a circumstance which proves the unjust acrimony. The prosecuting attorney considers as a fact that my defended went in person on board the English brig W. B. Torrett, in order to take from on board a case of powder in cans, kept by the captain, and which he landed at Barahona, taking them in his pockets and compelling others to conceal a part of the same. It is very singular to me, gentlemen, the manner in which this act is exaggerated, taken from the declaration given by the sailor, William Home, adulterating it, and not even quoting his own words. He said that 'the captain of the English brig W. B. Torrett, after his arrival at Barahona, went one day on shore in the company of the accused Hatch, after having taken eighteen cans of powder, of which said Hatch carried six of them in his pockets, and that on the following day the said captain carried other cans of powder to the house of the above-mentioned Hatch.' It is my object to make clear the erroneous manner in which the prosecuting attorney expresses himself, as also to comment upon the declaration given by the sailor, William Home. I shall begin by the first. The prosecuting attorney will excuse me when I state that it is in the extreme untrue that my defended carried cans of powder in his pocket, as he assures it, as it is equally untrue that he compelled other persons to hide said powder in order to land it at Barahona; and when I say untrue, it is because I mean to prove it. The captain of the said brig brought to Barahona in the month of November of the past year (1868) a case which, among other things, contained powder in cans, and which, I suppose, was a contraband, for his vessel was visited at the capital, and could, nevertheless, come with it to that port, where he was to load; whether it came public or hidden, my defended was not obliged to know or to investigate. He bought from said captain a quantity of cans of powder, and also received six of condensed milk, which a friend of his, called Smith, sent him from Saint Thomas, of which he says he still has one in his trunk, to be found in the capital. These cans of milk were the same that my defended brought on shore in his pockets, and seen by the sailor, William Hime, who, in his barefacedness and under oath, assured they were powder, when

they came hermetically sealed, and when neither he nor anybody else could assure that they saw in the pockets of the accused but a few cans, and never specify their contents, as he did, so that, through his falsehood, my defended could be acriminated. I could object to the witness, not alone for that I have already stated, but also for his having been in open hostility with the captain of the said brig; but I shall not do so, because I see in the transportation of these cans of powder to the house of my defended, his implicit innocence. The inhabitants of the whole province, and perhaps those of the capital, all knew of a commercial establishment existing in Barahona under the name of Davis Hatch; in consequence thereof, it is admitted that he speculated in buying and selling, and for this reason the accused bought of the captain of the English brig W. B. Torrett a number of cans of powder, and which were to be sent to his establishment. This negotiation which took place, as any other could, between the same captain or anybody else who might have arrived to that port, had for an object what all commercial transactions have, that is, to sell and to gain, and it is so much so that the witness, Fernando Felix, declared before this audience to have bought powder from my defended in order to shoot pigeons, as would also have declared, if they had been present, the citizens Sinfurso Batista and Euladislao Pereyra, who also bought powder from the witness Santiago Talavera, he being one of those who sold said article. All this gives a clear and evident idea that while negotiating it this was the only object he had in view, and never that they endeavored to attribute him, of his having sold said powder to aid the plans of the rebellious faction which existed then on the heights of Pauzo, so distant from Barahona; and this is so certain, that he only retailed his powder to particular persons, and, as he says, that as soon as the government abandoned the town of Neyba he did the rest on the flat roof his house, foreseeing an eventuality, leaving only two or three pounds that his clerks, Ramon Molina and Tomas Villanueva, might hunt with. In addition to all these circumstances, as referred to, I must state another one, superior to all of them, and which I present you as an argument. If to my defended is to be attributed a captious conduct by the introduction of said powder, and that he had the intention therewith to favor the insurgents, why then in their moments of conflict did he not place it at their disposition, when they found themselves in Barahona without any other ammunitions than those brought them by the pirate steamer. The reason is quite clear. Because he had none for them, and did have some to be sold especially to the pigeon hunters of that town, which is also proved by the little that existed and was found by General Federico de Jesus Garcia, when he entered Barahona, and searched by force the house of the accused Hatch. Notice the certificate given by the delegation of the government which almost proves the fact. The different points which my defense embraces have been concreted till now in refuting the attorney's accusation, as well as in commenting upon the declarations found in these proceedings. I would have finished by this time my task, but as in the latter part of the accusation he adds other accumulations worded thus, "He having knowingly seconded the enterprises of the enemy, lending them his aid in the quality of a stranger, and most efficaciously endeavoring to sustain the faction, providing them with goods and merchandise, also negotiating their drafts, which he borrowed in order to furnish them the necessaries," all of which, though, I have destroyed by my elucidations, I must, notwithstanding, in truth, contradict these accumulations attributed to my defended acriminating him still more. Regarding his having knowingly seconded the plans of the enemy, &c., there does not exist in the actual process a single declaration that can prove such crime, and in reference to his having most efficaciously endeavored to sustain the faction, providing it with merchandise, there is neither one who had declared a word about it, and less of his ever having honored their drafts in order to provide them with cash for the insignificant negotiation of three or four notes between him and private individuals for merchandise, and to which I alluded in the beginning of my defense, was not enough to afford sufficient means for the exigencies of a revolution. Thus I suppose the prosecuting attorney labored under a great mistake when he so expressed himself. I believe, honorable council, that in commenting on the proceedings and refuting the prosecuting attorney's act of accusation, I have filled my object of convincing you, even to evidence, that my defended did not proceed in the manner nor with the intention of hostilizing the legitimate government as was attributed him, and that all what the proceedings against him proved, is a mere fiction, more especially so when taken into consideration that he was at that time alone and abandoned, and under the imperious necessity of obeying a greater force.

"I shall now consider the question in its legal point of view; therefore, I hope you will attend to me with a willing ear, for if you do not pay attention to the present case, though provided for as it is by our wise legislation, you might give in consequence an unjust sentence, which will directly weigh on your consciences; as you should above all have present, that by the decree of the executive power dated the 14th of January, of this year, your sentences are without appeal, and that by this only resource being suspended, you ought to meditate well what you do before erroneously authorizing with your signatures a judicial murder, or any other bad condemnation. To your due appreciation is submitted the terrible attorney's accusation, as will also be my feeble defense. The former with its versions places my defended under the command of the fifty-ninth article of the (common) military penal code in its fourth incise, and of the eighty-sixth article of the common penal code of the national edition, on which I pass to give you a few reflections on what I think is just and right. The pretended use of the fifty-ninth article is an evil one, for although

this province is in an actual state of seige, and all cases are embraced in the jurisdiction of the council of war that has to deliberate on all criminal affairs, that is not to say that you must imperiously judge according to the military code. You are militarily organized, this being your condition; but you should never make use in all its parts of the military code which corresponds exclusively to those of your rank, only according to formula, but never in the application of its articles. I allude, in aid of my exception, to the literal contents of the second article of your military penal code in its first incise, which says: 'Are called transgressions, crimes, and military faults those, 1st. The voluntary actions or omissions committed by the militia in the exercise of their military functions, not mattering the place they be committed at.' I desire to state by this, calling your attention on it, that the present accused is not a military man, but a foreign citizen, hoping that you will declare as improper the application of the military code and select in preference the common penal code, under which jurisdiction my defended is placed. As by the diversity of charges brought against my defended by the prosecuting attorney places him under the jurisdiction of the eighty-sixth article of the common penal code I will state that this also, according to its contents, imposes the pain of death, as also the aforesaid fifty-ninth article, to 'all those who might have directed an association raising or made to raise, organizing or made to organize, bands or gangs, and who knowingly and voluntarily would facilitate and provide them with arms, ammunitions, or instruments for the crime, or would have sent them convoys of provisions, or who in any other manner would have been of accord with the chiefs of the gang,' and I present you this argument. Has my defended ever directed any association whatever, or does he find himself within the jurisdiction of the aforementioned cases? No; and in order to merit this interpretation, terrible in its consequences, he ought to have been convicted of his culpability by the voluntary intervention he might have had with the enemies, and if you give the proper merit, of which I am a creditor, to the reasonings I have manifested, it is proved that my defended, in every way, acted under the fear of a greater force, and you ought to declare him out of the limits of the eighty-sixth article. This claim that I have just made of you I hope may not, for one instant, lead you to believe that it was through a natural desire of being successful on this occasion by means of the feeble defense I now present. No; it is the authorization I have for it found in the sixty-fourth article of the common penal code of the French edition, which states: 'There is no crime nor fault committed when the prisoner was in a state of insanity at the moment of action, nor when he had been compelled by a force he could not resist.' I will now finish, and you will excuse me if I have been diffuse, molesting your attention. You are to judge, and sentence on the criminal acts attributed to the accused Davis Hatch. I submit myself to your good faith, honesty, and conscience, and in a case of such importance I cannot help to state again that all the proceedings of man (as a celebrity in law had declared) are not properly human acts, because he is not an absolute master of all of them; that in order to merit or demerit they must be free and proceed from his own will, when said faculty works of accord and freely in the action, that is to say, with deliberate intention, choosing in a free and spontaneous manner between these two absolute extremes: *to act or not to act*. That on the strength of this indeclinable principle of eternal and universal moral, neither before God nor before society can the actions of man, no matter how criminal they might be, be imputed or punished with the severity they merit, when consummated without his determination or free will. My defended finding himself under similar circumstances, I ask you to declare him free and innocent, the sixty-fourth article of the common penal code thus excusing him from all charges. I have finished.

"JUAN MIRANDA.

"AZUA, October 1, 1869.

"DOMINICAN REPUBLIC.

"The council of war, after having retired to the deliberative chamber and having before them the articles 220, 221, and 222 of the existing military penal code, the president proposed the following question: Whether the accused David Hatch is culpable of the deeds imputed against him. Immediately each judge gave his opinion, beginning by the inferior and ending by the president; the answers of each judge were received by the secretary, and having been balloted, resulted an absolute majority of votes declaring: That the accused David Hatch, yes, was culpable of the deeds imputed against him. After which the session was closed, it being 11 p. m.

"At Compostela de Azua on the 1st of October, 1869.

"JULIAN PEREZ.

"DOMINGO DE LA CRUZ.

"ULISES BIDO.

"JOSÉ DE PEÑA.

"MATIAS DIAZ PIMENTEL.

"DAVID MENDEZ.

"JOSÉ LAGARES.

"RAFAEL GARRIDO, Secretary.

*"Sentence.**"GOD, COUNTRY, AND LIBERTY, DOMINICAN REPUBLIC.*

"The council of war of the city of Compostela de Azua, legally congregated in the hall of its sessions, composed of the citizens Colonel Julian Perez, president; Lieutenant Colonel Domingo de la Cruz, vice-president, and voters Captain José de Peña, Lieutenants Ulises Bido and Matias Diaz Pimental, and Sub-Lieutenants David Mendez and José Lagares, assisted by the colonel of the army, Evaristo Nybar, prosecuting attorney for said council, and the undersigned secretary, Rafael Garrido Losa; and having before them a copy of the law, have pronounced the following sentence: In the criminal proceedings initiated against the prisoner, Davis Hatch, a native of the United States of America, of fifty-six years of age, married, a merchant by trade, residing in Barahona, accused of the crime of enticement and communicating with the enemy of the legitimately constituted government, and after having seen the act of the citizen governor of the province, dated the 25th of September past, remitting the process against the prisoner and his antecedents added to the actuaciones. Having seen the act of the prosecuting attorney, authorized by the secretary of the council, to have the person of the prisoner identified within twenty-four hours after the receipt of the list of proceedings, with the intelligence that he was to be submitted under the jurisdiction of the council of war, in virtue of the decree issued by the executive power, dated January 14th, which declares this province to be in a state of siege, as well as the opportune notice given him to select a person that might aid him in his defense. Having seen the act of these formalities which precede the judgment filed, and that the prisoner appears free and without irons; having seen the act of accusation with the charges which result against the prisoner, which was notified him, giving him a copy of them, and having heard the exposition of the proceedings and the recapitulation of the deeds by the public ministry. Having heard the oral deposition of the witnesses against, and found in the list, which depositions were given separate and simultaneously, previous the customary oath and the affirmation of being in no way according to law related to him. Having heard the accused in his means of defense, by his defender, the citizen Juan Miranda, who says: That attending the general circumstances that militate in favor of his defended, asks he be declared free and innocent, for thus excusing him from all responsibility the sixty-fourth article of the penal code. Having heard the conclusions of the prosecuting attorney of the council, who says: That he declares the aforesaid prisoner, Davis Hatch, culpable of the crime of enticement, in conformity with the fifty-ninth article of the military penal code in existence, in its third and fourth incises, and of the eighty-sixth of the common penal code of the last edition, of the year 1867, in its final part. Having heard the debates of the prisoner and his defender until they could reply no longer; having examined the acts, and constituted a council of war into judges; it declared the culpability of the prisoner, Davis Hatch, the council of war constituted into a lawful tribunal, resulting: That according to the declarations of the witnesses it appears that the prisoner, Davis Hatch, received in his house at Barahona the order, drawn by the administrator and commandant of arms of the faction, and delivered without any pretext or inconvenience whatever, the goods and provisions which he kept as a guardian or a depository to that effect, resulting: That as it is in the same manner proved of his having been in the custom of admitting at a discount the notes that were reissued by the faction against its own imagined credit, for they did not appear drawn against any treasury, and only had the value which the acceptance of the prisoner was willing to give them to carry out their plans, resulting: That not only by the sworn testimony of the witnesses of the case, but also by the confession of the same prisoner, he spontaneously offered his house of habitation to the leaders of the faction, who he entertained as guests, resulting: That by a similar testimony and confession it remains proved that the house of the prisoner Hatch was, in Barahona, the arsenal where balls and cartridges were manufactured in order to hostile the legitimate government, it being a demonstrated fact that the domicile of the prisoner united all the possible characteristics of aggression; that is to say, that it was converted into a warehouse of the faction, into their general lodging-house and arsenal, all under the cloak of neutrality; which is to be presumed in the inoffensive stranger who understands his duty, resulting: That as the prisoner reiterated the same acts, for as it appears from the correspondence between the citizen minister of foreign affairs of this republic and the consul of the United States, grave motives occasioned the measure of his being called back to the city, far from the theatre of his hostile communications with the enemy, and that when the government acceded to the supplications of permitting him to return there, it reserved every right to act, according to its inherent sovereignty and the laws which govern the state. Considering, that the depositions of the witnesses, besides being a legal truth, in accordance to their number, conditions, and concordance, it is also in a great measure corroborated by the confession of the accused, which should be admitted as a moral certainty that aids judges in sentencing. Considering, that the alluded confession embraces all the legal requisitions that constitute it and proves it indeclinably, for an individual of age spontaneously consented to make it, declaring against himself, in presence of the judge of the case, during the proceedings, and without a repugnance as to nature and her laws. Considering, that the spontaneous hospitality accorded by the ac-

cused to the leaders of the faction, his intimacy and commerce with them, constitute a criminal understanding with the enemies of the government. Considering that the manufacturing of ammunitions of war verified in his house and his incessant desire of procuring resources to the faction prove an understanding with the interior enemy, constituted into gangs, and his most decided spirit of seconding their fearful plans, and having seen the Decree of the government dated 14th of January of the present year, in its first and second articles, and the fifty-eighth and fifty-ninth of the existing military penal code in its incises 3d and 4th, the eighty-sixth of the common penal code, and the 128th of the above-mentioned military hat specify: Article 1st. Is declared in state of siege the entire jurisdiction which embraces the province of Compostela de Azua, including the city of the same name. Article 2d. In consequence of the anterior article, all crimes and faults perpetrated after the publication of this present decree, are to be submitted to the competence of the existing military penal code, without any exception whatever. Article 58th. All culpable of enticement or endeavors to entice shall be punished by death. Article 59th. They are reputed as culpable of enticement, those who are in communication with the interior or exterior enemies of the republic, with the view of facilitating them an entrance into the territory or its dependencies. 4th incise. Those who, that with the object expressed in the above paragraph, should second the enterprises which might be directed against the republic, or should become criminals of misfeasance, exciting the militia, marines, or other employes or citizens to violate the fidelity owed to the state or to the chief of the nation; article 86, of the common penal code, in its second paragraph. The same sentence will be applied to those who should have directed an association formed or had formed, organized, or had organized the bands or gangs, or who knowingly or voluntarily should have facilitated or subministered them arms, ammunitions, or instruments for the crime, or should have sent them convoys of provisions, or who in any other manner should be in communication with the directors or chiefs of the gang. (Article 128th of the military penal code.) Those cases not foreseen by the present code, be it for the application of a sentence; be it for its attenuation or aggravation, the councils of war and other military tribunals, will abide by what is ordered in the common penal code. For all these reasons the council of war, in the name of the Dominican Republic, and in punctual compliance with the above-mentioned articles condemn the named Davis Hatch of fifty-six years of age, married, a native of the United States of North America, merchant, and a resident of Barahona, to suffer the pain of death. Given by us in public audience, at the city of Azua, on the 2d day of the month of October, at 2 o'clock in the morning, of the year 1869, twenty-sixth of the independence, sixth of the restauration, and second of the regeneration. Read, approved, and signed by the members who compose the council of war, and by me, the secretary, who certifies. We ordain the governors, commander of arms, and other chiefs and officers of the army to put into execution the present sentence, and to lend assistance when it be so legally required. We also ordain the prosecuting attorney, its fulfilment. Signed:

"JULIAN PEREZ.

"DOMINGO DE LA CRUZ.

"JOSE DE PEÑA.

"ULISES BIDO.

"MATIAS DIAZ PIMENTAL.

"DAVID MENDEZ.

"JOSE LAGARES.

"RAFAEL GARRIDO LOSA, *Secretary*.

"DOMINICAN REPUBLIC, ACT OF AUDIENCE.

"In the city of Azua, on the 1st day of October, of the year 1869, it being 8 p. m. The council of war competently congregated in the hall of its sessions, presided by the citizen president Colonel Julian Perez, assisted by the prosecuting attorney to said council, and by the undersigned, secretary. The audience opened in order to know and judge the case followed against the prisoner, Davis Hatch. After having read the proceedings against said prisoner, according to the 202d article of the existing military penal code, and other formalities required by law, after having made mention of the changes or variations of the declarations of the verbal witnesses, citizens Santiago Talavero, Francisco Terrera, Guillermo de la Paz, Elias Ramirez, and the declaration in favor given by the citizen Fernando Felix, through the request of the defender of the accused. In consequence we find the article 203d of the referred-to penal code complied with, as well as the oral expositions, being the same as those registered in the proceedings. The present verbal process was taken on the same above-mentioned date, hour, month, and year. Read in public audience and found in accordance, was signed by the citizen president of the council, the prosecuting attorney, and secretary, who certifies.

"JULIAN PEREZ.

"EVARISTO AYBAR.

"RAFAEL GARRIDO LOSA, *Secretary*.

"This is a faithful copy, and in conformity to the originals already mentioned and to be found in the archives of the secretary's office of the council of war to my charge; and in

order that it might be remitted to the citizen general delegate of the government, I dispatch this first copy, containing fifty useful pages. At the city of Compostela de Azua, on the 8th day of the month of October, of the year 1869, twenty-sixth of the independence, sixth of the restauration, and second of the regeneration.

"RAFAEL GARRIDO LOSA, *Secretary.*"

At the time we received this dispatch with the inclosure, we received information of Mr. Hatch's release, and of course the duties of the State Department in his case were then ended.

By Mr. HOWARD:

Q. And you were not very curious at that time to investigate the contents of that document?—A. No, sir; our object was his discharge, and that was obtained.

By Mr. WILLIAMS:

Q. Is there anything further about the Hatch matter?—A. The next document was Mr. Perry's dispatch to me, No. 15, marked "confidential," as follows:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
"San Domingo, April 4, 1870.

"SIR: Admiral Poor leaves this port with his flag-ship for St. Iago de Cuba, this day, April 4, taking with him Consul Phillips, of that place, to investigate the causes of his, Phillips, leaving his post, and the charges of the Spanish authorities against him. I forwarded by the steamer "Yantic," via Havana, a copy of the charges of this government against Mr. Davis Hatch; also, a copy of my communication to the Dominican government, demanding his immediate release; not deeming the reply satisfactory, I referred the matter to Admiral Poor, whose additional demand procured Mr. Hatch's release at once, and he was sent to Havana on board the "Yantic." Mr. Hatch's prolonged confinement, I know was due to the advice, intrigue, and influence of Cazneau and Fabens, who have also have been playing a double game with General Babcock as agent of our government, and Spofford, Tileston & Company as the agents of Lawson & Son, of the English loan notoriety. A power of attorney in favor of Spofford, Tileston & Company, to collect the interest, &c., on this loan, was received by President Baez, on the 31st ultimo; from England, via St. Thomas.

"The United States ship Nantasket arrived here April 2d from Puerto de Plata via Samana, reporting an attempt at revolution at the former place, instigated and encouraged by the foreign residents and merchants. My opinion of Mr. Farrington, the English consul at Puerto de Plata, remains unchanged. I still consider him a trickster who should be closely watched.

"The attempt at revolution in this city has all subsided and everything is quiet, with the exception of a few arrests and the banishment of some political prisoners to St. Thomas, Curacao, &c.

"News of the defeat of Cabral between San Juan and Azua reached this city April 1st. The Dominican troops, some 500 in number, were commanded by Antonio Perez. Cabral had about 500. Among the prisoners taken are ten Haytiens, one a colonel.

"The 'Bibb,' Commander Platt, arrived Sunday morning, 3d instant, from Key West with dispatches.

"This government is waiting very anxiously the action of Congress at Washington.

"I am, sir, respectfully your obedient servant,

"RAYMOND H. PERRY,
"United States Commercial Agent.

"Hon. HAMILTON FISH,
"Secretary of State, Washington, D. C."

By Mr. SCHURZ:

Q. What is the power of attorney referred to in that dispatch?—A. A power of attorney from Lawson & Son, appointing Spofford and Tileston agents to collect the revenues of the island on the English loan.

By Mr. HOWARD:

Q. What is called the Hartmont loan?—A. Yes, sir.

RAYMOND H. PERRY recalled.

By Mr. SCHURZ:

Question. Have you a copy of your dispatch demanding Mr. Hatch's release?—Answer. I have it here in my dispatch book.

Q. Please read it?—A. It is as follows:

"UNITED STATES COMMERCIAL AGENCY,
"San Domingo, March 8, 1870.

"SIR: Your communication of the 19th of February, 1870, was duly received. I deem

myself authorized as the representative of the United States, and in consideration of the emphatic communications I have received from my government on the subject of the imprisonment of Mr. Davis Hatch, to say that I do not consider it necessary to have him retained in prison two months longer, as he would be if I awaited a reply from Washington to your proposition. My government desires his release at once in accordance with his sentence, which was commuted in October last to banishment. When I first came to San Domingo, in November last, and delivered up to President Baez the Dominican prisoners confined at the consulate, he promised to release and return Mr. Hatch and permit him to leave the country. Several times this promise has been repeated, but not yet fulfilled; and now you say that if the government at Washington really insists on his release "when it knows that Mr. Hatch desires to injure your government by means of writing to the press of the North" it will be granted.

"If the Dominican government commuted his sentence to banishment simply on account of his being a citizen of the United States, surely, when the government of the United States send a communication asking his release, the President will not hesitate to grant the request. If Mr. Hatch is detained solely for the purpose of preventing him from misleading the minds of the American people, as you intimate, I can assure you that his influence would be comparatively very slight, and he, probably, could effect as much, if not more, by imprisonment, if so disposed, as he could if at liberty.

"In my last communication to the Secretary of State, at Washington, I gave him my reasons for Mr. Hatch's prolonged imprisonment, being satisfied that it is chiefly the result of personal ill-feeling and motives of self-interest not only on the part of some Dominicans, but also on the part of certain Americans.

"I, therefore, in compliance with the orders received from my government, respectfully demand the immediate release and delivery at this consulate of said Davis Hatch.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"M. M. GAUTIER,

"Secretary of State, San Domingo,"

By Mr. SCHURZ:

Q. You say in this letter that you do not consider it necessary to have Mr. Hatch retained in prison two months longer, as he would be by awaiting a reply from Washington to the proposition of the Dominican government. Did they request you to write to Washington first?—A. Yes, sir.

Receiving no answer, I wrote again next day:

"COMMERCIAL AGENCY OF THE UNITED STATES,

"San Domingo, March 9, 1870.

"SIR: Referring to your conversation of this morning, in which you suggested postponing an answer to my communication of the 8th, in demanding the immediate release of Mr. Hatch, I would now beg to state that an immediate and positive answer is imperative, in view of the momentarily expected arrival of the Tybee. I shall look for your answer this p. m.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"M. M. GAUTIER,

"Secretary of State, San Domingo,"

Mr. Gautier's reply to these communication is as follows:

"SAN DOMINGO, March 9, 1870.

"DEAR SIR: I have read with astonishment the contents of your communication of this day, which serve to increase the painful apprehension that your note had caused me, and for which answer you fixed a time. It is not granted me at this moment to enter into inconvenient controversy, on account of the important question pending between the United States and the Dominican Republic, but I will say that my government, in all its acts, has provided and proceeded through its own ideas and guided by the best principles of equity and justice, having in view the peace of the society it is called to protect.

"This answer is given to you, and I again refer you to my communication of February 19th. I did then refer the question to the cabinet at Washington, in conformity with the instructions received from my government, about the solution of Mr. Hatch's business. Before taking a different resolution, I must submit your note of the 8th to my government, which I have not been able to do as yet, on account of the importance of our local business, and I have no doubt that I will be able to give you an answer to the resolution very soon.

"I renew the sentiments, &c., &c.,

"M. M. GAUTIER.

"RAYMOND H. PERRY, Esq.,

"United States Commercial Agent."

By Mr. SCHURZ :

Q. In that Mr. Gautier refers to certain papers, referring the question of Mr. Hatch's case to the cabinet at Washington. Did those papers go through you?—A. No, sir; Mr. Gautier's letter of February 19, is at my hotel.

HON. HAMILTON FISH'S examination resumed :

By Mr. SCHURZ :

Q. Mr. Gautier, in his letter to Mr. Perry, of the 9th of March, alludes to certain papers referring the question to the cabinet at Washington. Did you receive those papers?—A. I have no recollection of them.

Q. He speaks of having referred certain papers concerning the Hatch case to the government at Washington, and Mr. Perry states that the papers were not received by him. Do you say that the papers were not received by the State Department?—A. I do not mean to state that as a positive fact. I have no recollection of such papers. There were a great many papers received. I gave the order of the committee to the chief clerk and directed him to put up all the papers called for. He furnished me with those which I have produced here. I have no recollection at the moment of any such paper from Mr. Gautier; but if there were one at the department it would not have been put up among this bundle, because it probably relates to another matter.

By the CHAIRMAN :

Q. Is there anything further in regard to the matters you have been inquired about?—A. I have several other papers here. Mr. Perry's dispatch, No. 16, is dated April 5, and is as follows :

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
"Santo Domingo, April 5, 1870.

"SIR: I sent communication No. 15 by United States steamer Severn, which sailed yesterday for Cuba. I now send you No. 16 by the United States steamer Bibb, which steamer sails to-morrow morning for Key West, via Samana and Havana. I also forward copy of Captain Bunce's and Farrington's letters, at Puerto Plata. The latter has since written the English admiral, who is supposed to be at Jamaica, asking his interference in the matter. Harrington has the reputation of associating himself with such matters as are mentioned in their communications. I have my authority direct from President Baez. He (Harrington) has been in bad odor for a long time with this government.

"The reports of the engagement of Baez's troops with those of Cabral, near Azua, on the road to San Juan, were, that some five hundred were engaged on each side, and Cabral is reported routed, with some loss. The Dominican government represent that Cabral has received much encouragement from the Haytiens in men, money, and arms, and that some ten prisoners (among them a colonel) were Haytiens.

"I give you these statements as I receive them from President Baez. I cannot vouch for their being authentic, as, I regret to say, this government at times gives fictitious reports.

"So far as at present known, all is quiet throughout the island and waiting anxiously the action of Congress at Washington.

"Should annexation not take place very turbulent times are anticipated here.

"I am, sir, very respectfully your obedient servant,

"RAYMOND H. PERRY,
"Commercial Agent.

"Hon. HAMILTON FISH,
"Secretary of State, Washington, D. C."

To this dispatch there are some annexes, a correspondence between Mr. Farrington, British vice-consul at Puerto Plata, and Captain Bruce. I do not know that they relate to Mr. Hatch.

By Mr. SCHURZ :

Q. Do they relate to anything connected with the annexation of San Domingo?—A. I will read them and you can judge.

"BRITISH VICE-CONSULATE,
"At Puerto Plata, March 25, 1870.

"SIR: In conversation with you on Tuesday night you informed me that a report was in circulation at the capital that certain merchants of Puerto Plata were contributing to a fund in support of a revolution, headed by General Luperon, against this government, and that you had been told this by President Baez, who named me as the person as having given him the information. In consequence of such report you were instructed to proceed to Porto Plata to report the same to the authorities, and to warn all parties against such proceedings. Will you do me the kindness to state if I correctly understand you, and if the within written is as you intimated to me? Further may I ask, are you acting and causing this government

to make the proclamation of yesterday in consequence of said information having been given.

"I have the honor to be, sir, your obedient servant,

"F. FARRINGTON,

"British Vice-Consul at Puerto Plata.

"Captain BUNCE,

"United States Ship of War Nantasket, Puerto Plata.

"UNITED STATES STEAMER NANTASKET,

"March 26, 1870.

"SIR: I am in receipt of your note of the 25th instant. In reply, I have to say that I received information while at Santo Domingo that a party was formed among the foreign merchants here to assist Luperon, and that a sum of money had been raised for that purpose, yourself, as I told you, having been named to me as the informant, and that of President Baez, the recipient of the said information.

"I did not say that President Baez had told me this.

"As to my objects here, one of them certainly is—and I desire to accomplish it as plainly as possible—to inform the foreign residents here that if any such league or party is formed among them, and with or without their aid Luperon, Cabral, or any others hostile to the Dominican government, should get possession of this port, the naval forces of the United States would retake it, and in so doing the foreign residents, as the largest property owners, as well as the most interested in the business of the port, would be the greatest sufferers.

"As to proclamation of the Dominican authorities here, I know no more than I stated to them—precisely what I have written above to you.

"Very respectfully, your obedient servant,

"F. M. BUNCE,

"Lieutenant Commander, Commanding.

"F. FARRINGTON,

"British Vice-Consul, Puerto Plata."

The next is Mr. Perry's dispatch to the Secretary of State, No. 17, of April 16, 1870:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"Santo Domingo, April 16, 1870.

"SIR: Your communication of March 14 was duly received. Previous to its receipt I had demanded, and with the assistance of Admiral Poor had obtained, the release of Mr. Hatch, who left here on the United States steamer Yantic for Havana, and on the 11th passed through this port en route for St. Thomas, stopping here a few hours, by permission of Admiral Poor, to obtain his trunks.

"Your dispatch of March 31 was also duly received, referring to the ratification of the treaty of annexation. President Baez did not mention to me until after the departure of Mr. Coen (the gentleman sent to Washington) that he had authorized him to exchange the ratification of the treaty, or to extend the time. I hope sincerely that commissioners will be sent to San Domingo to examine and report on the condition of the island, &c.

"Public opinion is still strongly in favor of annexation, regret only being manifested at the possibility of the non-ratification of the treaty. Luperon has left for Turk's Island, and Cabral, since his defeat near Azua, (a report of which I have sent you,) has not been heard from. The supposition is that he is in Hayti. Everything is very quiet on the border and throughout the island, all anxiously waiting and hoping the action of our Senate to be favorable to annexation.

"President Baez has this moment informed me that Colonel Fabens sails on the steamer Tybee to-morrow morning for Washington at the request of two generals in Washington and Mr. Cazneau to negotiate a loan for this government on securities of public property of this government, and to relieve Mr. Coen in Washington, the bearer of the returns of the election for annexation.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"The SECRETARY OF STATE,

"Washington, D. C."

The next is Mr. Perry's dispatch, No. 18, dated April 19:

"COMMERCIAL AGENCY OF THE UNITED STATES,

"San Domingo City, April 18, 1870.

"SIR: Please find inclosed quarterly returns as per former Nos. 11, 12, 13, 14, 128, 25, with vouchers.

"I mailed communication No. 17 by steamer Tybee. Nothing of importance has occurred since her departure. Everything is reported very quiet in the island. Luperon is at Turk's Island. Cabral is reported in Hayti, where there is a revolution against Nésage Saget, now

president. Everything in San Domingo is waiting the great question of annexation, and all anxious for the ratification of the treaty.

"I am, sir, very respectfully, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"The honorable SECRETARY OF STATE.

"Washington, D. C."

The next is his dispatch of May 14, No. 19, which is entirely on business relative to his appointment of a person to act in his place while away on leave of absence. The next is his dispatch No. 20, dated May 14:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo, May 14.

"SIR: I have the honor to inclose herewith copy of communication addressed by me to the honorable 'consulting senate' of San Domingo, dated April 30, requesting to be informed and furnished with information for my government regarding certain petitions for concessions of lands, &c., by one William Cazneau and Schumaker, in violation of Article 6 of the treaty concluded between that government and the United States on the 29th of November, 1869; also, copies of communications to William L. Cazneau, dated respectively May 4 and 5, relating to the same subject; also, copies of notes dated 5th and 7th of May, to Señor M. M. Gautier, on the same subject; likewise, copies of note to President Baez, dated the 14th of May; all of which, I trust, will meet with your approval.

"I may add that I was reluctantly forced into this correspondence in order to get at important facts which I believed should be communicated to my government, and in taking these steps I beg leave to state that I was cordially sustained by many of the leading men in Santo Domingo who are in favor of annexation.

"The inclosed communications relating to this matter are lettered A, B, C, D, E, F, G, H, I, J, K, L, and M; the two latter I have received no answers to.

"I am, sir, most respectfully, your obedient servant,

"RAYMOND H. PERRY,

"Commercial Agent United States.

"Hon. HAMILTON FISH,

"Secretary of State, Washington, D. C."

A.

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo, April 30, 1870.

"To the Honorable Senate of the Dominican Republic:

"Learning that more than one application has been made to your honorable body, involving the ceding by the Dominican government of large tracts of public lands, mining rights, &c., to certain parties in this city, among whom I would mention Messrs. Cazneau and Schumaker. The former asks for a grant of two hundred thousand acres of, I think equal to two hundred million meters of land, for, as he states, emigration purposes, to be under his sole control, &c. The latter, Mr. Schumaker, for a railroad grant between this city and Azua, some one hundred miles distant, with a grant of one mile on either side of the road. I would therefore respectfully ask of your honorable body, first, whether such, or any other like claims or claim have been made or acted upon; and if so, whether copies of the same will be furnished me for the use of my government?

"I would also respectfully call the attention of your honorable body to article 6 of the treaty celebrated between the Dominican government and the United States, dated 29th of November, which reads: 'After the execution hereof to make no grants or concessions of lands or rights in lands, and to contract no further debts until Congress shall assume jurisdiction over the territory.' Any grants therefore of lands, mining rights, &c., made since 29th of November last, are absolutely null and void.

"Knowing that Mr. Cazneau's petition was sent to the Senate yesterday, April 29, 1870, I take the liberty of recalling the above clause to your attention.

"I am, with great respect, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent."

B.

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"Santo Domingo, April 30, 1870.

"SIR: I have this day forwarded to the honorable senate a communication, a copy of which I beg to hand you herewith, protesting against sundry proposed grants of lands, &c., to cer-

tain residents of this city, which grants and concessions are clearly antagonistic to article 6 of the late treaty with my government, bearing date 29th of November, 1869.

"I am, sir, with great respect, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"His excellency PRESIDENT of the Dominican Republic."

C.

"SAN DOMINGO, May 3, 1870.

"MY DEAR SIR: His excellency, the president of the republic, receiving yesterday evening the letter you addressed to him under date of the 30th of last April, inclosing a copy of the one you say you had forwarded to the honorable consulting senate.

"Without entering in any manner into details respecting the communication forwarded by you to the senate, and regarding which you do not appear to be as well informed as you should be, I will observe that the president and his government have received with great dissatisfaction such an unusual step, without being able to explain how you understand the character under which you are accredited in this country, and still less by what authority you addressed the honorable consulting senate in the manner in which you did.

"All of which I beg to state for your knowledge, saluting you with all consideration.

"M. M. GAUTIER.

"A true copy.

"RAYMOND H. PERRY,

"United States Commercial Agent."

D.

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo, May 4, 1870.

"SIR: On the 2d instant I had the honor of addressing a communication to the president of the senate protesting against proposed grants of public land, &c., among them, one to yourself of some two hundred thousand acres of land, stating that in my judgment such concessions were clearly an infringement of article 6 of the late treaty. As Mr. Gautier, the secretary of state, has in a note dated 3d instant, intimated that I am 'not as well informed as I should be,' I respectfully ask that you will furnish me, for my information, as well as for the use of my government, a copy of the application made by you to the senate and approved by M. M. Gautier, on the 30th of April last, and which was, I have since learned, returned to you disapproved.

"I am, sir, very respectfully,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"W. L. CAZNEAU."

E.

"SAN DOMINGO, May 4, 1870.

"SIR: In reply to your official note of this evening, I have only to observe that you seem to altogether misapprehend the case, which in no wise falls within the sphere of your duties.

"Our government was fully apprised, under dates of September 10, and 29, of the character and object of the enterprise to which you probably refer.

"No one American has been more intimately connected with the Samana and annexation negotiations from their inception to their close, than myself, and I am not likely to infringe, either through ignorance or design, on President Grant's policy in this direction.

"I am, sir, very respectfully,

"WILLIAM L. CAZNEAU.

"RAYMOND H. PERRY,

"United States Commercial Agent."

F

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo, May 5, 1870.

"SIR: Your communication of the 4th instant in reply to my letter of same date is received, but not accompanied either with the information I desired or a copy of the concessions you applied for the Dominican government. You informed me I 'misapprehended the case, and that it in nowise falls within the sphere of my duties.' In regard to your opinion of what my duties are, my government and myself are alone to judge.

"You state that our government was informed of the enterprise (which you and Mr. Gautier, secretary of state, still keep a secret from me) in September last, 10th and 29th. Those dates are previous to the signing of the treaty. That being signed, no further step can be taken by you to obtain this grant at present.

"You say that 'no one American has been more intimately connected with the annexation negotiations than yourself.' Unfortunately for the interests of both governments you have been slightly connected with it.

"I am well aware of the designs of yourself and Fabens thus far, and you may rest as-

sured that inasmuch as it lies in my power I shall at all hazards prevent injury or intrigue against the interest of my government, and defend the name of President Grant—which name I have every reason to fear has already been used by a financial ring for their selfish ends.

"I am, sir, yours, &c.

"RAYMOND H. PERRY,
"United States Commercial Agent.

"WILLIAM L. CAZNEAU."

G.

"SAN DOMINGO, May 6, 1870.

"SIR: I do not recognize any right on the part of the United States commercial agent to address either to me or the Dominican senate the demands contained in your notes of 4th and 5th instant; and a proper sense of self-respect compels me to say that I shall not answer questions so put. Had you in the first instance applied to me for information on the subject it would have been freely given to the minutest detail, covering, as it certainly does, points of deep interest to both governments, and which should have remained under the special control of the Executive.

"It had never occurred to me that the name of President Grant required your protecting care; and the absurd insinuation that it has been used by me, or any associates of mine for private speculations is too ridiculous for serious notice. There is not a candid gentleman in this community who would not treat such a charge as the wild fancy of a distempered brain.

"I now close the correspondence by informing you that your neglect of due official reticence has brought on a premature disclosure of facts that for the public interest should have been, held strictly confidential for the present.

"All the circumstances of the case, in their varied and important political bearing, have been and will be given to our government. It has in possession the actual facts, not imaginary surmises, and to this now will be added for personal reasons, copies of these worse than useless letters.

"I am, respectfully,

"WILLIAM L. CAZNEAU.

"RAYMOND H. PERRY,
"United States Commercial Agent.

"A true copy:

"RAYMOND H. PERRY,
"United States Commercial Agent."

H.

[Answer to B.]

"SAN DOMINGO, May 3, 1870.

"MY DEAR SIR: His excellency, the President of the republic, received yesterday evening the letter you addressed to him under date of the 30th of last April, inclosing a copy of the one you say you had forwarded to the honorable consulting senate.

"Without entering in any manner into details respecting the communication forwarded by you to the senate, and regarding which you do not appear to be as well informed as you should be, I will observe that the President and his government has received with great dissatisfaction such an unusual step, without being able to explain how you understand the character under which you are accredited in this country, and still less by what authority you addressed the honorable consulting senate in the manner in which you did.

"All of which I beg to state for your knowledge; saluting you with all consideration.

"M. M. GAUTIER."

I.

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
"San Domingo City, May 5, 1870.

"SIR: Your communication of 3d instant was duly received. Among the many reasons I had for addressing the honorable senate, I would mention that while in quest of the information you intimate that I stand so much in need of, I was told distinctly and emphatically by yourself that there was no application for a grant, such as I spoke of, before the senate, presented by Mr. Cazneau, while at that very moment I had positive information from at least three senators to the contrary. And I was also informed that a day and hour was to have been set aside by you to enable you to meet the senate in secret session in order to complete this transaction for, apparently, the mutual benefit of yourself and your friend Mr. Cazneau.

"As the proposed grant was, in my judgment, in direct violation of article six of the late treaty, signed by yourself and myself on behalf of our respective governments, I felt that delay might result in great disadvantage to my government, as well as serious loss to our expectant new territory.

"I regret exceedingly that the president and his government views with great dissatisfaction the step I have taken, the more so, since under like circumstances I shall pursue a similar course. As to the position I hold in this country, the credentials empowering me to

sign the late treaty fully warrant me in seeing that its provisions are impartially and honestly carried out.

"Your inquiry as how I understand the character I am accredited in this country, and still less by what authority I addressed the honorable senate, were it couched in a more gentlemanly term, would receive a more extended answer. It certainly lies, in my opinion, clearly within my line of duty to prevent, if possible, any intrigue against my government or any infringement upon the treaty signed by us. I have had no other object during my stay in Santo Domingo than to carry out the wishes of my government and the policy of General Grant free from any motives of self-interest, and in that endeavor have always acted fairly and honorably in my intercourse with the Dominican government, which I regret to say has not always been reciprocated in the same spirit of candor and frankness.

"I am, sir, yours, &c.

"RAYMOND H. PERRY,
"United States Commercial Agent.

"M. M. GAUTIER,
"Secretary of Sta, San Domingo.

[Answer to I.]

J.

"SAN DOMINGO, May 9, 1870.

"SIR: In due course I received your communication of the 5th instant, and my government has been put in knowledge of the same.

"The terms in which said communication is conceived and written, as well as the personal character you have given to the transaction, has made it advisable, for the moment, to send a copy of said communication to the cabinet at Washington, in order that its contents may be duly weighed and appreciated.

"Meanwhile, and until an answer is received from the government of the United States, which, on its side, is sufficiently cognizant of the transaction, the cause of your disagreeable correspondence, and which answer my government does not doubt meriting, I have to participate to you that all correspondence between yourself and this ministry in reference to the matter remains suspended.

"Your obedient servant,

"M. M. GAUTIER.

"RAYMOND H. PERRY, Esq.,
"Commercial Agent of the United States in the City of San Domingo."

K.

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
"SAN DOMINGO, May 7, 1870.

"SIR: On the 30th of April last, I addressed a communication to the honorable senate, a copy of which I also sent the president, the extreme urgency of the case alone necessitating my course of action.

"Learning, indirectly, that the senate had strongly disapproved of the application of Mr. Cazneau, and that he had consequently withdrawn it, I would respectfully ask of you whether such are the facts, as well as for any other information on this or like subjects which may be of importance to my government. I do again ask for a copy of the petition. Repeating my request for a copy of the above-named petition for a grant, as well as a copy of the proposed grant itself,

"I remain, very respectfully, yours, &c.,

"R. H. PERRY,
"United States Commercial Agent.

"Hon. M. M. GAUTIER,
"Secretary of State, San Domingo.

"I received no answer to this.

"PERRY."

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"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,
"SAN DOMINGO, May 14, 1870.

"SIR: On the 29th of April last, I made verbal inquiry of your minister of state and justice touching certain petitions which I was informed by three of your senators were then before that honorable body involving large grants of land, &c., to certain individuals, residents of this city, and I was distinctly to understand by said ministers that there were no such petitions before the senate. On the same day, but subsequently, I made the same inquiry of the honorable senate in a formal communication addressed to them, copy of which I at the time forwarded to your excellency, and which communication was replied to by your minister of state in a note wanting in courtesy, full of resentment at my course of action, and throwing discredit upon my source of information. On the 5th instant, in answer to the above, I wrote to your minister of state, giving my reasons for addressing the honorable Senate, and again asking for copies of said petitions. On the 11th instant I received a reply from your minister declining to communicate with me further on this matter, giving as a reason therefor the tone of my letter on the 5th instant. On the 7th instant I again wrote to

your minister of state, (by request of your minister of justice instead of addressing yourself as I thought of doing.) repeating my former request, to which I have received no answer.

"Now, therefore, in virtue of the powers plenipotentiary vested in me by my government, under the seal of the United States, authorizing me to sign, on the part of my government, the late treaty, and consequently to see, as far as lies in my power, that its provisions are fully and honestly carried out, I most respectfully ask that your excellency will instruct your minister, or whosoever duty it may be, to furnish me, for the use of my government, copies of the late petitions of Messrs. Cazneau and Schumaker, to the honorable Senate, asking for certain very large grants of lands, mining privileges, &c., under the plea of encouraging emigration, fostering railroad enterprises, &c, as well as certified copies of the action of the senate thereon.

"Since writing the foregoing I have been informed that there is a quantity of arms, ammunition, and a number of boxes of specie on board the steamer Tybee, now at her dock in this city. They are shipped for and by the request of the Dominican government, I understand, by Mr. Fabens, who is represented as the agent of Spofford, Tileston & Co., who are agents of Peter Lauson & Co., of the English loan.

"All grants and concessions of lands and further advancements on this loan are, you know, in direct violation of the treaty signed the 29th of November last. Since this date there are many other grants, and concessions, &c., reported at Samana, Azua, &c. Please have me informed as to the truth or falsity of the above reports.

"I am, sir, your obedient servant,

"RAYMOND H. PERRY,
"United States Commercial Agent.

"His Excellency the PRESIDENT OF THE DOMINICAN REPUBLIC.

"Received no answer to this.

"PERRY."

"[No. 28.]

"SENATE CHAMBER OF DOMINICAN REPUBLIC.

"SEÑOR CONSUL: To-day I reported to the senate the contents of your note dated the 30th of last April, inclosing protest against any concession of public lands, mines, &c., to individuals of this city, and particularly to William L. Cazneau and Schumaker, subsequent to the date of the treaty concluded between this republic and the United States of America, as a violation of the article 6 of the said treaty.

"And the honorable body takes upon itself to say to you in reply that it has resolved that as you are accredited as commercial agent in the government of this republic, that it is to the government that you should direct your communications.

"Inasmuch as the senate cannot take cognizance of matters outside their circle or proper course, I communicate this to you for your information for such purpose as it may serve you.

"I avail myself of this opportunity to manifest my sentiments of most distinguished consideration, and subscribe myself the president, &c.

"PEDRO GARIEDAR.

"Señor RAYMOND H. PERRY,

"Commercial Agent of the United States, San Domingo, May 9, 1870."

By Mr. SCHURZ:

Q. In one of these communications Mr. Cazneau states that he has sent all the information which Mr. Perry asks for the government of the United States, together with copies of these letters. Did he do so? Was such communication ever received at the State Department?—A. I have no recollection of receiving any communication from Mr. Cazneau. I think the reference there is to a communication said to have been in September last.

Q. So Mr. Cazneau, although he states that he had communicated all the facts to the United States government, had not communicated them to the State Department?—A. They may be in the State Department possibly; but it was before the negotiation of the treaty, if in September, and I have not got them with me, if they are there. There have been various communications at different times.

Q. Perhaps you do not understand my question. In one of these communications which you have read, Mr. Cazneau states that he had conveyed all the information which Mr. Perry asks for concerning those grants, saying at the same time that Mr. Perry had prematurely disclosed certain facts of importance (which disturbed certain arrangements) to the government of the United States. I would ask whether such a communication from Mr. Cazneau, inclosing copies of those letters, has been received at the State Department?—A. Mr. Cazneau has sent copies of his correspondence with Mr. Perry. Mr. Cazneau refers in this letter to information which he says was communicated as far back as September to the State Department. I suppose that is what you inquire about.

Q. The information I refer to is information concerning land grants.—A. I have received no communication from Mr. Cazneau since the negotiation of the treaty until he sent me copies of this very correspondence with Mr. Perry.

Q. Is that all he sent?—A. That is all I received from him.

By Mr. WILLIAMS:

Q. Since the negotiation of the treaty?—A. Yes, sir.

Q. Was there any information conveyed by him to the department prior to that time on any subject?—A. There is a great deal of information for years back.

By Mr. FERRY:

Q. In relation to grants since the execution of the treaty?—A. No, sir; no information in regard to anything since the execution of the treaty.

By Mr. HOWARD:

Q. Does he refer in the letter necessarily to grants made or asked for since the signing of the treaty?—A. I cannot explain that.

By Mr. SCHURZ:

Q. He speaks of "premature disclosure of facts that, for the public interest, should have been held strictly confidential for the present." Was the Secretary of State informed of the facts which had been thus prematurely disclosed, as Mr. Cazneau alleges, or know anything about them?—A. I do not know what is referred to. I only know what I get from this correspondence.

By the CHAIRMAN:

Q. Was the treaty substantially made by General Babcock drawn by yourself?—A. Before answering that question I want to understand whether we are in executive session. My communications with regard to the treaty, I presume, are only to be made through the President to the Senate. I am quite ready to answer the question, however.

The CHAIRMAN. We do not want you to answer anything that is not proper.

The WITNESS. If there are none but senators present I will answer the question cheerfully and gladly.

Mr. HOWARD. I suppose the question whether you will make such disclosure is to be referred to yourself. I take it your communication with the President on the subject of the draft of that committee was a confidential conversation or communication, and, as such, is privileged.

The WITNESS. If the committee desire it, I would say that I understand the question to be whether the treaty as negotiated by General Babcock was substantially that prepared by the State Department, under the direction of the President.

Mr. FERRY. One moment. If the Secretary is to be inquired of respecting the negotiation of this treaty in part, I should desire also an opportunity to inquire of the Secretary in respect to that negotiation in full, and the answering of a single question by the Secretary as to the original draught of the treaty, or anything of that kind would not accomplish the object of myself, as one member of the committee, in making the inquiry. I should want to go further, and, therefore, perhaps we ought to settle this question.

Mr. HOWARD. It seems to be a premature objection on the part of Senator Ferry. It does not follow, because the Secretary sees fit to disclose one confidential fact, that he may be compelled to disclose another which is not connected with the former fact at all. I take it it must be left to his own discretion and sense of his obligation to the Executive when he is called upon to disclose any of these confidential communications between him and the President.

The CHAIRMAN. Of course.

Mr. HOWARD. I do not think we can compel him to disclose anything of that nature, if he sees fit to refuse. He is not a witness on cross-examination. If he were a witness in court on cross-examination and saw fit to disclose one confidential fact, he would be compellable to disclose all others relating to the same subject-matter in order to get at the whole truth. I think that is the rule of law; but in this matter all his communications and conversations with the President of the United States in regard to that treaty or any other subject are regarded in law as confidential and privileged.

Mr. WILLIAMS. I suggest whether it would not be as well to waive the question. There certainly can be no doubt of the fact on the evidence already submitted. It is beyond all controversy.

Mr. HOWARD. I am entirely willing to leave it to the Secretary himself.

Mr. WILLIAMS. It would be cumulative evidence.

The WITNESS. I will answer the question very cheerfully if you desire an answer.

Mr. SCHURZ. Before questions of this kind concerning the treaty and the policy of the government in making the treaty are put, I will observe that I conceive the relations between the Secretary of State and the President to be of a confidential nature, and that, unless our report is to go before the Senate in executive session alone, I consider it of doubtful propriety whether we should examine the Secretary of State on that subject which necessarily he would treat with a certain reticence. It is true that he might feel authorized to make certain statements, but he would probably feel himself under the necessity of withholding other statements; but at the same time it is true that when we examine a witness as a witness, (and we cannot examine the Secretary of State here in any other capacity.)

then he must be subject to cross-examination just as well as any other witness; that if we get part of the truth, we are entitled to the whole truth, as far as he can give it.

The CHAIRMAN. That question is hardly discussable, because the question now is simply whether we shall inquire of the Secretary of State as to the treaty at all.

Mr. HOWARD. I do not admit the principle as broadly laid down by Senator Schurz.

Mr. SCHURZ. I submit to the committee whether it is proper to go with the Secretary of State into an examination into this point at all. If we do, then I do not see how any exemption could be claimed for him that could not be claimed for any other witness; and if his situation is such that he should claim any exemption in consequence of his confidential relations with the President, I think it would be best to drop that examination entirely.

The CHAIRMAN. The rule is that the Secretary of State has a right to make such communications as he thinks will not injure the public interests to have made public, and he himself is the judge of that.

Mr. HOWARD. That is the rule beyond a doubt.

Mr. FERRY. In a committee of investigation?

The CHAIRMAN. That is the rule of law everywhere, I suppose, in regard to confidential agents of the government. I am to blame for this matter. The question itself, perhaps, is improper, and therefore I withdraw it.

Mr. WILLIAMS. We have the testimony of other witnesses on this point, General Babcock and General Sackett.

Mr. HOWARD. I think we shall be setting a bad precedent by asking the Secretary of State to disclose such matters.

The WITNESS. The whole facts are before you in an executive document.

By Mr. WILLIAMS:

Q. Did you ever give Mr. Perry a peremptory order to demand the release of Mr. Hatch?—A. Yes; it went down there, but it got there after Mr. Hatch was released, I think. He was already discharged when Mr. Perry received his instructions to demand his release.

Q. Be good enough to state why, prior to that time, you did not give the order to Mr. Perry?—A. Because we thought he was released.

Q. What I wish to know is, was there any desire or intention on the part of the executive department of the government to have Mr. Hatch restrained of his liberty there in San Domingo?—A. Quite the reverse. There was every desire to have Mr. Hatch released at the earliest possible moment. The first communication we had of Mr. Hatch's troubles was received from Mr. Smith, in a letter dated in September. That communication of Mr. Smith, as I recollect now, stated that he had then been confined for some time; that he had been aware of it, but did not communicate the fact to the department. There was something in that letter which, as I thought, reflected a little upon Mr. Smith, because he had known the fact and had said nothing about it until he imagined some slight from General Babcock—he not being invited on board the ship, I believe. It occurred to me that it was not altogether creditable to Mr. Smith; and when I communicated that letter to the Senate I retained that part of it. I thought that he was a little excited by not receiving an invitation, and then tried to throw the blame on General Babcock. It was followed up by directions for intervention in Mr. Hatch's behalf, and we can only communicate about once in forty days. Then came the communication that he had been tried, condemned, and pardoned. The executive government then thought there was the end of Mr. Hatch's case, as he was pardoned and allowed to go. Some few weeks after we found him still in confinement; and on the 11th of January, I think the date is on, receiving Senator Ferry's communication, I instructed Mr. Perry to interpose his good offices to secure his release. Subsequently, finding that he was not released upon that, we sent a peremptory order. In the meantime he was released and given up, but at the successive stages of receiving information about him we acted on every occasion we possibly could.

By Mr. HOWARD:

Q. Mr. Secretary, did you ever give General Babcock, or General Sackett, or any other person except Mr. Perry, any instructions in regard to the release of Mr. Hatch?—A. I do not remember whether I may not have written to Mr. Smith before Mr. Perry went down; but to none excepting one or other of the commercial agents who were there. They were the only parties with whom I communicated on the subject.

Q. Not having given Babcock or Sackett any such instruction in relation to the release of Hatch, do you understand it to have been the duty of either of them, under the circumstances, and under the instructions with which they were sent to San Domingo, to interfere in regard to Hatch to procure his release?—A. No, sir; General Sackett had no instructions; he went out as interpreter. If General Babcock had interfered in behalf of Hatch, I suppose he would have received very much the same kind of snubbing which they gave Mr. Perry when he transcended the legitimate duties of his office and addressed himself, instead of to the secretary of state, to the president of the senate or the president of the republic. The commercial agent is there a *quasi* diplomatic agent, with very limited powers. To a certain extent, a diplomatic function is recognized in him, but his duty is to correspond solely through the state department or the office of foreign affairs. We allow not here the foreign ministers to communicate with Congress or with the President, excepting through

the Department of State; and it was for that that they wrote those letters to Mr. Perry, I infer.

Q. Mr. Perry and General Babcock and General Sackett were together on the island, and the duty of interfering in behalf of Mr. Hatch belonged properly to Mr. Perry, did it not?—A. Yes, sir.

Q. Would it not therefore have been rather a piece of impertinence on the part of General Babcock to have assumed upon himself the business of negotiating with the government of the island in respect to the release of Hatch?—A. I think so.

Q. Would not diplomatists generally so regard it?—A. I think so.

By Mr. WARNER:

Q. Did General Babcock have, or was he intended to have, any other duty as the representative of our government, except the single one of negotiating this treaty?—A. That was all.

By Mr. FERRY:

Q. Was General Babcock instructed, in your letter of instructions to him, "to protect the people of that republic against foreign interference while the nation is expressing its will, and also to protect the interests and rights which the United States may obtain under such convention?"—A. You cannot go into his instructions without going into the treaty. I will, however, answer the question which has been put. It was part of his instructions to insert in the treaty a provision to that effect.

Q. That is not my inquiry. My inquiry is, whether it was his duty there, as an officer of the United States, by your own instructions to him, to protect the interests and rights of the United States?—A. I think that the instructions went to the effect simply that that protection was to be exercised during the taking of the vote. The instructions, however, will speak for themselves.

Q. You remarked that when you received Mr. Smith's first communication you thought that he had had knowledge for some time of the imprisonment of Mr. Hatch, but failed to inform the department until he felt himself somewhat slighted by General Babcock?—A. That seemed to be the inference.

Q. Were you aware that Mr. Hatch was arrested at Barahona on the 28th of August?—A. A subsequent communication stated that, but the first one did not, I think.

Q. Do you know that the fact was so?—A. I so understand it.

Q. Were you aware that he was taken from Barahona to Azua, and arrived there on the 3d of September?—A. I do not remember the dates.

Q. And that on the 3d of September he wrote to Mr. Smith, which was the first knowledge Mr. Smith ever received about it, and that Mr. Smith wrote to you on the 4th?—A. Mr. Smith wrote to me on the 4th. I did not desire to reflect on Mr. Smith, but simply to explain the whole transaction, I being asked as to the interference of the department.

Q. You will observe, therefore, that your impression that Mr. Smith had neglected his duty in not giving the department notice of Mr. Hatch's arrest until some time after the arrest was a mistake on your part?—A. It may have been; but I was acting on what was before me at the time. In his letter of the 4th of September, Mr. Smith writes:

"SAN DOMINGO CITY, September 4, 1869.

"SIR: I consider it my duty to bring to the knowledge of the department the critical situation of Mr. Davis Hatch, a citizen of the United States, who, it is reported, is under arrest at Barahona.

"Mr. Hatch came to this country as the agent of a company consisting of Mr. Augustus Schell and other men of standing in the city of New York, for the purpose of working the salt mountain of 'Neiba,' and making a railroad to Barahona to facilitate the shipment of the salt. Mr. Hatch obtained the concession from the Spanish government, which was confirmed by the Cabral administration. When Mr. Baez returned to power, he sent for Mr. Hatch, as there had previously existed an unfriendly feeling. Mr. Hatch was brought by force on board a man-of-war to this capital, but, on my representation, the difficulty between himself and the President was arranged amicably, and Mr. Hatch was allowed to return to Barahona. Some time since Barahona was taken by the revolutionary party, and they held it some months; it was retaken some three weeks ago, and it was rumored that Mr. Hatch had been arrested.

"Some three weeks ago I called at once on President Baez, who confirmed the rumor, and said that charges had been preferred against him, and at my request I was promised a copy of said charges as soon as received by the government.

"I informed you that, whether rightly or wrongly, that Mr. Hatch had been arrested some three weeks before this time.

"Some two weeks having elapsed without my hearing further, I called, on the 29th of August, again on the President, and he informed me that he had given orders to send up Mr. Hatch to this city.

"Mr. Hatch therefore had been arrested before the 3d of September; but as he has not yet arrived, I feel great anxiety as to his actual position.

"On the 31st ultimo the United States ship Tuscarora arrived from Key West, when Commander Queen called on me. I handed him a memorandum regarding Mr. Hatch, and expressed my desire that he would proceed to Barahona, see Mr. Hatch, and learn the particulars of his case."

Barahona I understand to be distant some one hundred miles, and there is not a daily mail there, I take it. Then comes the complaint of the commercial agent against General Babcock; and putting these things together, I came to the conclusion that Mr. Hatch had been in confinement for some time, and that the complaint did not come out until it was coupled with the criticism with General Babcock; and, therefore, when I first transmitted the papers to the Senate, it may have been a mistaken delicacy to Mr. Smith—I did not communicate that part of this letter.

Q. You stated that you did not consider it to have been the duty of General Babcock, under his instructions, to take any steps for the release of Mr. Hatch. Would it have been any violation of the duty of General Babcock to advise the United States commercial agent not to ask for the release of Mr. Hatch, lest Mr. Hatch should interfere with the treaty of annexation?—A. I do not understand your question.

Q. Would it have been a violation of General Babcock's duty to advise the commercial agent not to interfere to procure the release of Mr. Hatch, lest Mr. Hatch, if set at liberty, should oppose the project of annexation?—A. He had no instructions on the subject. I should think it would have been a thing that no American citizen, certainly no officer of the government, would have done.

By Mr. HOWARD:

Q. Would it not at least have been an indelicacy on the part of General Babcock?—A. A great indelicacy, I should think. His instructions did not anticipate any case of that kind.

By Mr. SCHURZ:

Q. Would you have considered it a violation of his instructions by General Babcock if he had advised and solicited President Baes, while negotiating that treaty, to release Mr. Hatch?—A. No, sir; it would have been in accordance with his instructions; but it would have been a very proper thing to have done to advise his release at any time; I take it it would certainly not have been improper.

By the CHAIRMAN:

Q. Proper for him as a citizen?—A. Yes, sir.

By Mr. SCHURZ:

Q. And as an officer of the government?—A. Or as an officer of the government, in whatever capacity; but it might have been received as an act of officiousness, possibly. That would depend on the character of the government somewhat.

Q. According to your diplomatic experience, do you think that while negotiating a treaty, which negotiation put General Babcock in confidential and very kind relations to President Baes, it would have been probable that General Babcock would have been snubbed by President Baes if he had made such a request?—A. The gentleman who asks the question has had more diplomatic experience abroad than I have had, and can judge on that point for himself.

By Mr. WARNER:

Q. Supposing Mr. Perry to have been a fit person to occupy the position of commercial agent, that agency being in some sense a diplomatic one, would you have considered the rights of the United States and of its citizens there as abundantly cared for, or capable of being protected by him, without the aid of another?—A. The commercial agent is the only representative we have there. He exercises the right of asylum. In cases of political disturbance, the house of the consul in those imperfectly civilized governments is an asylum in which parties take refuge. I think they have very frequently done so; I do not know whether they have in Mr. Perry's case, but I think they have at that place. That office is abundantly sufficient. It is the only one we have in that country.

By Mr. HOWARD:

Q. He was the responsible officer in respect to these complaints?—A. Yes, sir.

Mr. FERRY. The statement of the case is precisely this: Not that General Babcock did not interfere for the release of Mr. Hatch, but that General Babcock, while there negotiating this treaty, learning that Mr. Perry, the proper person, was endeavoring to procure the release of Mr. Hatch, advised Mr. Perry not to procure his release.

That is the charge.

Mr. HOWARD. You do not say that as a fact.

The WITNESS. I have no knowledge of it, as a matter of fact.

Mr. FERRY. I made that statement in the Senate, and expect to substantiate it or abandon it.

By Mr. WARNER :

Q. Have you any evidence or knowledge that General Babcock did, in any way, interfere to prevent the release of Mr. Hatch?—A. I have no knowledge whatever, and no belief that he did. Nothing has come to me except the rumor, as I hear it from the debates of the Senate, that he so interfered.

By Mr. HOWARD :

Q. Did Mr. Perry, in his correspondence with you, ever pretend that General Babcock had thus interfered to prevent the release of Mr. Hatch?—A. I do not recollect any complaint of the kind from Mr. Perry.

JUNE 13, 1870.

The members of the committee and several persons summoned as witnesses being present, Mr. Schurz asked that the room be cleared of persons not members of the committee, as he had a proposition to submit; which being done—

Mr. SCHURZ. I notice that among the persons present as witnesses is Mr. Fabens. Mr. Fabens, as I understand, is the representative, in fact the plenipotentiary of a foreign power. I noticed him here at our last meeting, when Mr. Fish was proceeding with a very important part of his testimony. I was then informed that the gentleman I noticed was Mr. Fabens. I having never seen him before. Now, I submit a question, whether it is proper that the representative of a foreign power be admitted as an auditor to the proceedings of this committee.

Mr. HOWARD. I understand that Mr. Fabens came here for the purpose of making some statements before the committee in regard to the negotiation of the treaty, and perhaps, also, in regard to the detention of Hatch. What he proposes to say, I do not know; but I understand he has offered himself as a witness to testify to something in relation to the subject-matter that has been referred to this committee. I do not see any impropriety, I confess, in his being here as a witness, and being allowed to make his statements. On the other hand, it seems to me that fairness would require that, if he desires so to do, he should be allowed to make his statement. I do not see that we shall be offending the government of San Domingo by allowing this to be done by its representative, nor do I think it inconsistent with the dignity of the United States that a representative of a foreign government should come forward as a witness; and if the subject-matter about which the other witnesses testify relates to his own government, I confess I can see no impropriety in his being present and being informed of it unless there is something in the nature of the subject which requires secrecy on our part. I have not seen that yet.

Mr. SCHURZ. We had him here day before yesterday, when the Secretary of State laid certain papers before us which so far had been treated as confidential. It struck me then that his presence was not very proper. As to his testifying before this committee, I wish to submit the following considerations: As the diplomatic representative of a foreign power he is entitled to certain privileges and immunities. We cannot swear him if he refuses to be sworn, and if we want to cross-examine him he may refuse to be cross-examined. We cannot hold him for contempt, and we cannot prosecute him for perjury. His position, therefore, is quite an exceptional one, and I submit to the committee whether it would be proper to have a witness here who may do just as he pleases.

Mr. HOWARD. I suppose we could not punish him for a contempt of the committee in refusing to answer questions. Whether he could be prosecuted for perjury is another matter.

Mr. WILLIAMS. If he comes here voluntarily and submits himself to the jurisdiction of the committee, he becomes like any other person, it strikes me.

Mr. HOWARD. At all events, if he refused to answer questions or gave equivocal answers it would be for the committee to give his testimony such weight as it would be entitled to.

Mr. SCHURZ. I do not think that he could be prosecuted for perjury. Being the diplomatic representative of a foreign power he would be entirely exempt.

Mr. WILLIAMS. The minister of England is liable for a crime committed in this country just as much as I am. Suppose he murders a man, is he not liable?

Mr. SCHURZ. That is a different thing.

Mr. WILLIAMS. If he commits perjury, or larceny, or murder, he is as much subject to the criminal jurisdiction of this country as a citizen.

Mr. SCHURZ. I doubt very much whether, if he were here as a witness, we could prosecute him for perjury.

Mr. WILLIAMS. I do not think we could force him to come as a witness, and testify as to matters connected with his government; but if he should come before this committee in obedience to its summons, or make a voluntary appearance, which it would be in fact—

The CHAIRMAN. He is not even subpoenaed.

Mr. HOWARD. He is coming here voluntarily, I understand. Especially, as Mr. Fabens's character is implicated in this matter, and various charges are made against him personally, it seems to me fair that he should be allowed to make his own statements.

Mr. WILLIAMS. So far as I am concerned I have no desire to have Mr. Fabens present when other witnesses are examined. I think there is a propriety in his being away while other witnesses are examined, if it is the desire of any member of the committee; but I do not concur in the idea that he may not be examined as a witness if he is willing to come, because our object here is to ascertain the truth about this matter from all sources.

Mr. FERRY. The only one point that has struck me in regard to Mr. Fabens is this: whether, with his privileges, his testimony here would be apt to give us more insight into the truth of this transaction than we should possess without it. The theory, as I understand, is that Mr. Fabens voluntarily appears here and voluntarily offers his testimony. He voluntarily answers such questions as he chooses to answer, and refuses to answer such other questions as he chooses to refuse to answer. If that be so, his examination would not conduce to the elucidation of truth.

The CHAIRMAN. Would not this be the better way in regard to his testimony: he has a right to be a witness if he pleases —

Mr. FERRY. He has no right about it.

The CHAIRMAN. He has a right to waive his privileges if he chooses.

Mr. SCHURZ. He can do that.

The CHAIRMAN. The suggestion I was about to make was this: that if he appears here and testifies as a witness; whenever the time comes that he refuses to answer any question the point could then be very properly raised whether the testimony he had given previous thereto should not be stricken out.

Mr. WILLIAMS. I think it would be entirely proper, if Mr. Fabens appears here as a witness, to inform him before he commences that in testifying here it is understood that he puts himself in the position of any other witness before this committee, and will be expected to answer all questions like any other witness. If he sees proper, under such circumstances, to waive his privilege, he may do so; but he must do it with the understanding that he is liable to cross-examination and will be required to answer all questions like any other witness. Would not that be well?

Mr. VICKERS. I think that would be very well.

Mr. WILLIAMS. Then if he prefers not to testify he may withdraw. But if he testifies at all, I shall insist that he shall answer all proper questions which will not implicate himself in any particular crime, just like any other witness; but as far as I am concerned I shall insist that he answer every question about this subject-matter, no matter whom the question may affect. That would be my idea.

Mr. HOWARD. How far he could waive his privilege is a more delicate question. I take it in law it is not his personal privilege, but the privilege of his government.

Mr. SCHURZ. I was just about to make that remark.

Mr. HOWARD. We can tell better when he comes to make his statement.

Mr. SCHURZ. Then I move, in the first place, that Mr. Fabens be not permitted to be present during the examination of witnesses.

Mr. HOWARD. In reply to that suggestion I would say that I shall have to interrogate General Babcock on some points which it is necessary Mr. Fabens should understand before he comes to testify; because I shall want, when he is examined, to put questions to him on the same subjects. So, for convenience, I should prefer to have him present during some of the time at least.

The CHAIRMAN. The motion is that Mr. Fabens be not permitted to be present during the examination of other witnesses.

Mr. FERRY. I think that is most manifestly proper; and in regard to the suggestion just made by Senator Howard that General Babcock is to be examined by him upon certain particulars and that he wishes Mr. Fabens to be present when General Babcock thus testifies, because he expects to call Mr. Fabens to the same points. I submit that that is the very reason why courts exclude witnesses from being present at the testimony of other witnesses. I think the statement made by Senator Howard ought to be a sufficient reason why Mr. Fabens should be excluded, at any rate, when the testimony of General Babcock is given.

Mr. HOWARD. My object is to have him informed of the nature of the subject-matter about which I shall interrogate General Babcock, so that he may have the subject in mind when he himself is examined. That certainly is fair, as it seems to me. And the idea of excluding a man from attendance on this committee simply because he is the representative of a foreign power, when his own personal character is deeply involved in the question under investigation, and when accusations of the most disreputable kind are made against him personally, as well as against his government, is to me a very singular principle of law. I cannot imagine that there can be any such principle.

Mr. VICKERS. That is not the point now.

Mr. HOWARD. The motion is that he shall be excluded from the room. Certainly, when a criminal is on trial, no matter how inconsiderable or contemptible the offense may be with which he is charged, he is at least allowed to be present to hear the witnesses examined against him, and nobody can deny that Mr. Fabens is directly charged with offenses and misconduct connected with the concoction of this treaty. Why should he be excluded from hearing the testimony? Will you exclude from such an investigation the very man whose

character and conduct are in question? It seems to me to be contrary to every principle of justice.

Mr. SCHURZ. I think when Mr. Fabens is examined nobody will object to any member of the committee telling him what the testimony on the point as to which he is being examined has been, at any rate, if it affects him.

Mr. VICKERS. That would be right.

Mr. SCHURZ. Certainly; but the question is, whether he should assist here while we are taking testimony in which he is not concerned at all personally, and which may involve great interests of our government alone.

Mr. FERRY. To talk of Mr. Fabens being on trial, or under charge here, is an absurdity. The evidence in the case has disclosed circumstances which, if true, disparage M. Fabens; but, on that account, to place him in the light of a person accused and on trial, and therefore to be confronted with the witnesses, strikes me as very strange.

Mr. HOWARD. Does Senator Ferry pretend to deny that this proceeding is in the nature of an accusation against Mr. Fabens as well as Mr. Cazneau, President Baez, General Babcock, and other persons? If there is no accusation against those gentlemen, why was this inquiry launched?

Mr. FERRY. I deny that this proceeding is in the nature of an accusation against anybody except the Dominican government for wrongs and outrages perpetrated upon Davis Hatch, a citizen of the United States. That is what this case is exactly.

The CHAIRMAN. That being the case, and Mr. Fabens being the representative of the Dominican government, is he not entitled to know what is alleged against his government?

Mr. SCHURZ. Then, upon the same principle, when we investigate the Alabama claims, the representative of the Crown of England should assist at the meetings of the Committee on Foreign Relations.

The CHAIRMAN. Clearly; there would be no trial otherwise, if that matter was under examination. If this is an accusation against the Dominican government, and that government is not to be heard, what kind of a trial is it to be? Wholly *ex parte*?

Mr. SCHURZ. According to all rules of international intercourse, the diplomatic representative of a foreign power has the right to refute all such statements, if he thinks fit to do so, by a note to the Secretary of State, and in that way protect his government against all unjust accusations, if there be such.

The CHAIRMAN. I will put the question on the motion that Mr. Fabens, as the representative of a foreign power be excluded from the committee room while testimony is being taken.

The motion was agreed to; Messrs. Ferry, Williams, Schurz, and Vickers, voting in the affirmative.

Mr. HOWARD. I wish to enter my protest against that act of injustice, for I regard it as such, not intending, however, to impute any such motive to any member of the committee.

Mr. SCHURZ. My motion was that Mr. Fabens as the diplomatic representative of a foreign power be excluded.

Mr. WILLIAMS. I voted in that way with the understanding that Mr. Fabens may be called and may testify as a witness in this case; or, if he claims the right at any time to be heard in behalf of his government before this committee on this question, I shall accord him that right; but I do not see any reason why he should be present during our discussions and deliberations.

Mr. FERRY presented the following dispatches, which were received in evidence:

Mr. Gautier to Mr. Perry.

"MINISTERIO DE LAS RELACIONES EXTERIORES,

"San Domingo, Febrero 19, 1870.

"SEÑOR CONSUL: Cuando en virtud de los hechos que aparecen justificados en el proceso instruido á cargo del Sr. Davis Hatch, fue este condenado á la pena capital, el Presidente Baez ocurrió al Honorable Senado pidiendo por medio de un mensaque especial la cooperación de aquel poder del Estado para salvar la vida de aquel individuo; no por otro motivo sino por el de ser Ciudadano Norte Americano.

"A pesar de que por nuestras instituciones la gracia de la vida que se concede á un reo, no le absuelve de la pena inmediata (que es la de prision perpetua) el mismo Presidente dispuso que se le daria su pasaporte, tan luego como lo permitieran las circunstancias, a fin de que pudiera gozar de plena libertad en el lugar en que fuera inofensivo.

"Las repetidas y urgentes solicitudes que V. S. ha hecho en favor de dicho Hatch, unidas al deseo que tiene mi Gobierno de complacer al de Washington le habria persuadido á conceder el pasaporte, á no haberle contenido la irreconciliable enemistad con que ataca al Gobierno en todos sus actos por los periódicos y al favor de sus agentes, agolando las calumnias para contrariar el pensamiento de annexion á los E. U. manifestado tan alta y públicamente por las poblaciones.

"Deseo que J. S. tenga á bien manifestar al Excmo. Sr. Ministro de Estado de Washington, que solos el deseo de impedir la accione hostil del Sr. Hatch, en New York ha prolongado su permanencia aquí; asegurándole que si esta razon no satisficere al Sr. Ministro, é insis-

tiere en que se le permita marcharse el Gobierno, que no ha tenido otra mira que la de que no se altere la verdad, descarriando la opinion pública en los E. U. estara muy dispuesto á satisfacer su deseo.

"Aprovecha esta ocasion para reiterar á V. S. los sentimientos de mi consideracion la mas distinguida.

"M. M. GAUTIER,

"*M'tro de Relac's Exteriores.*

"Hon. R H. PERRY,

"*Agente Comercial de los E. U., San Domingo.*"

"DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,

"*San Domingo, February 19, 1870.*

"Mr. CONSUL: In virtue of the evidence produced pending the trial of Mr. Davis Hatch, he was condemned to death, when President Baez appealed to the honorable body of senators, asking them, by means of a special message, for their co-operation to save the life of that individual, and for no other motive than that of his being a citizen of North America.

"According to our institutions the *grace of life*, which is accorded to one condemned to death, does not prevent, by any means, his being consigned to perpetual imprisonment, but the President directs that his passports may be given him as soon as circumstances will permit, so that he may enjoy full liberty in any place wherein his acts will be inoffensive to us.

"The repeated and urgent solicitations which you have made in favor of the said Hatch, united with the desire which my government has to please that of Washington, would have persuaded us to concede his passports at once, had it not been for the irreconcilable enmity with which he attacks the government in all of its acts through the newspapers and their agents, inventing calumnies to divert the public mind against annexation to the United States, which desire has been manifested so loudly and publicly by the people.

"I desire that you will be good enough to assure his excellency the Secretary of State in Washington, that the prolonged sojourn of Mr. Hatch here has been only to prevent his hostile action in New York, assuring him, at the same time, that if this reason will not satisfy him, and that should he insist on his (Hatch) being permitted to go, the government, which has had no other aim than that of preventing falsehood and the misleading of public opinion in the United States, will be very glad to satisfy his wishes.

"I avail myself of this occasion to reiterate to you these sentiments of my most distinguished consideration.

"M. M. GAUTIER,

"*Minister of Foreign Affairs.*"

Mr. Davis to Mr. Perry.

"DEPARTMENT OF STATE,

"*Washington, March 14, 1870.*

"SIR: Your dispatch No. 9, dated February 20, 1870, inclosing your quarterly return and copies of two letters from the minister of foreign affairs, one of which is in relation to the imprisonment of Mr. Davis Hatch, has been received.

"You are instructed to demand the immediate release of Mr. Hatch.

"I am, sir, your obedient servant,

"J. C. B. DAVIS,

"*Assistant Secretary.*

"RAYMOND H. PERRY, Esq.,

"*United States Commercial Agent, San Domingo.*"

Mr. SCHURZ presented the following dispatches, numbers 21 and 22, of Mr. Perry, which were among the papers brought to the committee room by Secretary Fish on Saturday, but not read by him, viz:

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"*San Domingo, May 14, 1870.*

"SIR: In conversation with President Baez the other day, that gentleman, among other things, told me that Mr. J. W. Fabens was about proceeding to Washington as minister plenipotentiary of the Dominican Republic, and that he (Baez) was forced to this action by the request of General O. E. Babcock and W. L. Cazneau. Later in the day I met Mr. Fabens, who gave me the same information; and it is right to add that this step, on the part of President Baez, surprised every one in San Domingo, and created a most unfavorable impression among all classes of the people there, and especially the friends of annexation. Those two individuals, Cazneau and Fabens, are in very bad repute in that

country, where they are well known. It is unfortunate that such men should be connected in any way with the treaty.

"But the government of President Baez yielded to the urgent demand from Washington, more particularly since Fabens gave out that he had received a letter from the Honorable Charles Sumner, in which he, Fabens, declares that gentleman pledged himself to go for San Domingo.

"I have the honor to be, most respectfully, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent.

"Hon. HAMILTON FISH,

"Secretary of State, Washington, D. C."

"COMMERCIAL AGENCY OF THE UNITED STATES OF AMERICA,

"San Domingo, May 14, 1870.

"SIR: I have the honor to acquaint you that on leaving, May 17th instant, I was assured by the authorities that that republic was tranquil throughout, and that the rebel General Cabral is in Hayti, without means, men, or credit; and during my official residence in this country I am given to understand by well-informed persons of all parties in San Domingo that Cabral and his friends are in favor of annexation to the United States, but that they only object to its being done under the government of President Baez.

"I have likewise to inform you that the rebel General Loperon was at Turk's Island, which place he reached some weeks since, having embarked at Cape Haytien.

"I am, sir, with great respect, your obedient servant,

"R. H. PERRY,

"United States Commercial Agent.

"Hon. HAMILTON FISH,

"Secretary of State, Washington, D. C."

RAYMOND H. PERRY recalled.

By Mr. HOWARD:

Question. State whether you did or did not deliver to the Secretary of State, on Saturday last, the 11th instant, a long letter from yourself, addressed to him, respecting your mission in San Domingo.—Answer. I did.

Q. When were you examined before this committee?—A. On the 9th.

Q. Had not General Babcock been examined also by the committee before you presented your letter to the Secretary of State?—A. I think so.

Q. What was the date of that letter which you delivered to the Secretary of State on the 11th?—A. The 7th of June, I think.

By Mr. VICKERS:

Q. Had you prepared that paper prior to the examination of General Babcock before the committee?—A. Yes, sir. I mentioned the night of my examination that I had the paper then in my pocket, and that I had kept it back because I was advised to keep it back.

By Mr. SCHURZ:

Q. Can you state what parties gave you that advice?—A. I would prefer to wait before going into that, until my examination is resumed regularly in full.

Mr. HOWARD. Mr. Chairman, I now produce a copy of the letter to which Mr. Perry has referred, dated June 7, 1870, and I propose to examine General Babcock in regard to the statements contained in it.

Mr. SCHURZ. Before the examination of General Babcock proceeds I should like to ask a question concerning this paper. How did the paper come before the committee?

Mr. HOWARD. I can tell you, sir. The paper came into my possession and I had a clerk copy it for the use of the committee.

Mr. SCHURZ. Did it come from the State Department?

Mr. HOWARD. Yes, sir.

Mr. SCHURZ. Through General Babcock?

Mr. HOWARD. No, sir. General Babcock knew nothing about it until the paper came into my hands in a legitimate way, and I think he knew nothing about it until I had had a copy of it prepared.

The paper was produced and read to the committee as follows:

"WASHINGTON, June 7, 1870.

"SIR: Your communication of 6th instant is received. If you will refer to my communication of the 6th you will see that I do not decline to mention names and facts, as you intimate and quote, but I remarked that I thought it was prudent for me not to mention further

names and facts until such investigation be begun. I have had no other motives, while holding the position as plenipotentiary and United States commercial agent at San Domingo, than to carry out the wishes of my government and the policy of President Grant, free from any motives of self-interest and the influence of influential friends, and have endeavored to act honorably and justly in my intercourse with my government and that of San Domingo, but I regret to say that I have not received in return the same spirit of frankness and honesty of purpose. Having had conversation to-day with senators and others, all friends to President Grant, and having unwillingly heard conversation both here and in San Domingo that President Grant might be knowing to all the facts connected with this annexation movement, I deem it now my duty to inform the department all I know in relation to this case, as I am positive that President Grant is not aware of the true history of this annexation movement, or the false character of the men he (or General Babcock) has employed in bringing it to a successful issue. I have written both the State Department and General Babcock of the reputation of these men *more than once*. If you remember, I was not desirous of going on this mission to San Domingo, and so expressed myself to you and at the Executive Mansion. I went with everything involved in mystery, with letters from General Babcock to (as he expressed them) his friends Cazneau, Fabens, and Spofford, Tileston & Co., and others, who I was advised to advise with, and that Cazneau and himself had had J. S. Smith, ex-commercial agent, relieved, as he was not friendly with Cazneau and Fabens for annexation of the island to the United States. You will, perhaps, remember telling me to write everything to the department; I endeavored to do so, and it was my wish to do so; but had I written fully the manner in which this whole movement was being conducted, I feared the government would not be able to carry out the plan of annexation. I was also advised by Generals Babcock and Ingalls, Cazneau, Baez, and others, to write nothing personal, and always speak encouraging in my communications. I have also had directions from several others what my correspondence should be to the Department of State at Washington, and have been requested to keep back facts in relation to the election, and Cabral's party, and the discontent of the people of the island. No man can serve two masters. So I held myself responsible to the State Department, and by so doing have displeased these and other gentlemen. I sailed on the steamer Tybee on the 3d day of November, 1869, for San Domingo, and met on the voyage Mr. Fabens, who was full of his accounts of the rascality of a Mr. Hatch, and expressed a wish I should not release him on my arrival at San Domingo, as he was an enemy to Baez and annexation, and also to himself and Cazneau; and that he (Fabens) and his friend Cazneau, as he represented, a man of great wealth and influence in San Domingo and at Washington, would indorse me; that I had a great opportunity for making a rapid fortune, &c. On my arrival at San Domingo I called upon President Baez and Cazneau, and others; all appeared glad to see me. I relieved Mr. Smith on the 16th day of November, 1869, who gave me a brief history of affairs: first, that Cazneau was running the whole thing, that is, the Dominican government, and represented a large portion of the public lands of the island for parties in New York City; that he was a very bitter confederate during the war; was from Texas; and now, apparently, a strong Grant man; and that he represented that he was a special agent of the United States, and in direct correspondence with President Grant. This Mr. Cazneau told me himself, and that I was very fortunate to be sent to San Domingo at this time; he could insure me a fine plantation, and opportunities to handle money for men in New York City whom he knew, and would introduce me to them. (This is an old game of his, as some unfortunates in New York City can testify.) I told him I was after a reputation, not money, and several times found it necessary to make Baez and Cazneau this same remark, and that if they would give me two hundred and fifty mounted men I would contract to do all the fighting on the island, and capture Cabral and Luperon, and resign my position as commercial agent at once. But this was not what they wanted, as I have since learned; it was their plan to keep Cabral on the frontier, so as to keep the Dominican people under arms, as Baez could more readily handle them when organized under his generals, who are his brothers and connections, or held to him by some strong influence. The morning of the 18th of November, 1869, while at breakfast with Mr. Prime, Fabens, and others at the hotel, Fabens remarked that a man-of-war would be in that day with General Babcock on board. Within two hours after that remark, one was signaled at sea. She was soon at anchor. I received a note from General Babcock requesting me to come on board and bring Colonel Fabens. I went immediately on board, (Fabens could not be found,) and met General Babcock, Sackett, and Ingalls. General Babcock then showed me the treaty and my commission from President Grant to negotiate the same. General Babcock told me he had full directions from the President; but, holding a commission in the army, as he did, he could not sign the treaty, so I had been commissioned to do so. Generals Babcock, Sackett, and Ingalls came on shore the next morning and called upon President Baez; Cazneau and Fabens being present. The above-named gentlemen were present every day during the negotiations, excepting Ingalls. On the next day they called again; when the treaty was read Cazneau proposed to draw up two separate papers, one to place before the people of San Domingo, to control the elections, the other before the United States government, to keep them quiet. This was approved by Baez and Mr. Delmonte, who remarked that it would influence and hasten the election in San Domingo. I protested against this to General Babcock, and remarked to him we had no

right to deceive the Dominican people. General Babcock also protested against this, and said it would place Grant in a wrong position. Baez and Delmonte said it was only a fiction, and if they did not succeed in the vote for annexation, and our government did not accept them, that it would cost them their lives. During the whole of this time these plans were kept a secret from the United States and Dominican government, or rather the people. General Babcock often told me that I must stand by Cazneau and Fabens, and advise with them; that they represented large interests on the island; that he had interests with them. Cazneau also told me that Babcock and Ingalls had interests in real estate with him, and that he, Fabens, and his friend in New York had originated the idea of annexation. I told Babcock one day in my office, in San Domingo, that I thought there was foul play somewhere, and told him I did not like the action or propositions of Cazneau, Fabens, Baez, and others, and that I thought I was the wrong man in San Domingo at that time, and also asked if he, Babcock, had known these men long, and why it was they did not want Hatch released. Babcock told me I must not attempt to release him; that he would work against the treaty, and that he was an enemy to Cazneau, Fabens, and Baez. I will state here that I do not blame him for being so, as he had been most foully dealt with by these men, and I was of his opinion before I ever saw him, (Hatch.) I formed my opinion from facts in his case and other cases in San Domingo. Both his friends and enemies condemn the way he has been treated.

"I told Babcock that Hatch was a mere political prisoner; that he had assisted both parties, and suffered from both parties, and that both parties, Baez and Cabral, had been equally strong, and had many friends then on the island, but the war was now over and I did not think it right to keep him in prison after he had been ordered to be banished from the island; and that it was all through the influence of Cazneau and his friends that he was detained; and that the last time he (Babcock) was in San Domingo he had an American sailor released who had murdered another American; that Cazneau and Fabens were having Dominicans, guilty of murder and political offenses, released through Baez; and that Baez had promised me the release of Hatch when I first came to the island and I did not like the way things were working. He (Babcock) then remarked, 'Wait until I leave the island before you say anything more about it.' I asked Babcock the day the treaty was signed if he had the letter from Baez to our government, or rather to Hartmont, refusing further advances on the loan, and a copy of the public debt of the island, for in the original orders from the State Department it specified that such papers should be furnished to us before signing the treaty. He told me he had not obtained it. I have never seen either of such papers, and have asked for a copy of both several times of the Dominican government. They either have not got them or do not wish to give them to me. I have been assured by men who should know in San Domingo, that there is no reliable account of the debt of San Domingo.

"The night the Albany sailed with General Babcock for Samana from San Domingo, Fabens and Cazneau brought in a paper for lands at Samana; they wished me to certify to their signature as correct. I did so; at the same time remarking that they were commencing business very soon, as the treaty was signed that day. They asked me to say nothing about it. Fabens and all hands sailed on the Albany that night for Samana, where Fabens was left as agent of the United States, in charge of the flag and naval coal-yard, where he is receiving lumber and goods free of all port charges, representing them as government property, underselling all others engaged in business at Samana. Americans and Dominicans at Samana have complained about this and other matters to me.

"The first thirty days of the time allotted for Baez to obtain the vote of the people was lost in waiting for the protection of the United States men-of-war, as Baez told me he could not move in this matter until they arrived, and also told me that he had been told by the French and Spaniards, who are his friends, and the English government, that the United States would not annex the island; he also told me that he would not have a vote taken until the United States Senate had indorsed the action of President Grant. Baez told Captain Bunce the same thing, and he told me he had written these facts to the Navy Department. Three days after the departure of the Albany, Baez read the treaty to the French consul, in his sleeping room. I saw him in the act, and when I came into the room they made an attempt to conceal the papers; all these proceedings were to have been kept secret. I mention this to show the character of this man, and to warn my government against his double dealings, for he has his people and the island for sale and is trading it with the United States, England, and France. I saw letters from Fabens to Spofford, Tileston & Co., giving them the full history of the treaty. Spofford, Tileston & Co. are the agents of the English loan, and Fabens is their agent and spy in San Domingo. Babcock appoints this man also United States agent at Samana, and then writes to Baez to have him also sent to Washington as plenipotentiary, so he, Fabens, holds three positions in three conflicting interests at once; his accomplice, Cazneau, lays out the work on the island and Fabens does the traveling and the go-betweens. I called upon Mr. Cazneau, and told him I did not think Baez would have a vote for annexation until the United States Senate had acted upon the question, as Baez had that moment expressed himself thus to me, and also to Captain Bunce, United States Navy. Cazneau became very much excited; told me he held Baez between his thumb and finger, and that he could compel him to have the vote at once, and

immediately took his hat and went to the house of Baez. What took place I do not know, at the house; but four days after this I saw a band of music in the streets, and heard that the voting for annexation was to commence that day. No one seemed to understand what was going on. I have very wrongly slightly yielded to the request of Baez and Cazneau, and the wishes of others, and tried to make it appear that there was much enthusiasm on the part of the people.

"A list was opened in the police headquarters for citizens to register their names. Baez and Delmonte have told me several times that any man who opposed annexation, they would either shoot him or send him his passport. *They have also told me* that it should be a free vote of the people, but such was not the case. There was much feeling throughout the island kept in check, and the people were not permitted to express any opposition to annexation. I have seen Baez myself shake his fist in the face of some of his nearest friends, among whom were officers of the army, in Baez's own house, and tell them he would banish them from the island if they opposed annexation. This conduct on the part of Baez made many who were in favor of annexation opposed to it, and also to him. He also closed the office of a paper that was a warm friend to annexation, because it had an article against the Spaniards in Cuba, as Baez holds the rank of a Spanish marshal, and his sympathy is with the Spaniards. I relate all these little facts as they occurred to me, as they may have some important bearing on this question. There were several attempts at a revolution in San Domingo City, Puerto Plata, and other places. But Baez had his spies in all parts of the island, and the prisons were so filled with political prisoners that Baez asked permission of Admiral Poor, United States Navy, in my presence, to send them to Samana Bay, which proposition Admiral Poor would not think of granting, and remarked that the United States government would not approve of his making a Fernando Po of Samana. About this time a large paper was posted on my door one night protesting against the way the vote on annexation was being handled by the Dominican government, and protesting also against annexation. This was signed, 'A thousand patriots.' I had the paper interpreted and took it to Baez. Two nights after this the plot was discovered, and many citizens and officers of the army were implicated and tried; some were imprisoned, others banished from the island. Baez and his cabinet asked me not to mention these facts to the State Department at Washington, and refused to return me the paper that was placed on the door of my house, that I had shown him from the best of motives, to put him on his guard against an insurrection, and which information he afterward told me had prevented it.

"Baez seemed very timid and anxious, and often remarked that if the United States did not ratify the treaty, that he and all his friends would lose their lives for taking the step he had for annexation. I told him that he was not conducting the election as he should; that if there was an opposition to annexation, he should give that party an opportunity to express their opposition; that the United States government did not want the island if they had to hold it with the bayonet, as Spain had attempted to do; that it would cost us too many men and too many millions.

"I am positive that a majority of the people of San Domingo are in favor of annexation, and strongly in favor of it; but as no votes were permitted against it, it is impossible to tell what opposition there is on the island. There were a few parties requested to sign against annexation, so as to have the appearance of some opposition. Many of the prominent and wealthy men of the island are at present banished for political offenses; most of these men are in favor of annexation, but opposed to Baez.

"I received an order for the immediate release of Mr. Hatch from the State Department at Washington, and immediately demanded it of the Dominican government. A copy of all these communications are in the State Department. I refer particularly to those of March 8, 9, and 10, to Gautier, secretary of state. Cazneau openly opposed the release of Hatch, in presence of Baez, in his (Baez's) own house. Cazneau was at the time asking the release, by request of Mr. Fabens, at Samana, of two Dominicans charged with murder, which Baez assured him, in my presence, he would grant him, but could not grant me the release of Hatch. I then demanded his immediate release in writing, (a copy of which is in the State Department,) which I obtained with the assistance of Admiral Poor, United States Navy. Mr. Hatch has several times expressed himself to me as being strongly in favor of annexation, but opposed to Baez, Cazneau, and Fabens, for having been persecuted by them and detained in prison by their influence. Cazneau, Baez, and myself had some sharp words on the matter when I told Cazneau he was a trickster and a dishonest man. (See my report to the department and letters to General Babcock, February 20, and April 15th.) When Baez was alone I asked him why it was that Cazneau had such influence with him. Baez told me that he did not like him, but that he was a friend of General Babcock, and was in direct communication with President Grant, and therefore knew the wishes and plans of my government, and that in case of annexation, that Cazneau would be a very wealthy man, and the first governor of the island. I told him I did not think so. He then answered me that such was the programme. I will here remark that during my stay in San Domingo that I have received but one order or direction of any kind, and that was in relation to the release of Hatch from the State Department. The whole question of annexation has been carried on between Cazneau, Fabens, Babcock, Spofford, Tileston, & Co., and others in New York City, and urged on by Hartmont, agent of the

English loan, and his agents, Spofford & Co., and their agent, Fabens, as they wished to get their \$250,000 back, and also damages, if they can, against the United States for steps the United States government has taken in this matter.

"Hartmont told me at President Baez's house, in San Domingo, that he could and should hold the United States for damages for the action they had taken; that he had all the money Baez wanted, and that was called for on his loan. I told him he did not have it when Baez wanted it, and when it was due. He then asked me if there was no way to obtain satisfaction from the press of the United States for the way they had used his name, saying he was in prison, &c. I told him the press of the United States handled any one rough that mixed up with political or national affairs, and the higher he placed his damages, the more abuse he would get from them. This is all the conversation I have had with this man, except a few words at Spofford & Tileston's office, as I came through New York, where I met him, and he wished to know more than I knew, or more than I wished to inform him.

"Baez told me he could get all the money he wanted, and proposed, in presence of Delmonte, to deposit \$100,000 that he was to get from Hartmont in my house in San Domingo City. I told him he could not take it from Hartmont. Whether this was done to try me, I do not know, or for what purpose I do not know, but such was the fact and his proposition. I spoke of this at the time to my friend, Mr. Edward Prime, National Bank of San Domingo, and also to Mr. John Scott, who is in business at San Domingo. I also protested against the arms, ammunition, and money being landed on the island that were sent to San Domingo on the Tybee by Hartmont through his agents, Spofford & Tileston, by request of Fabens, agent for the English loan, agent for the United States, and also agent and plenipotentiary for San Domingo. I also protested against grants and concessions of lands, all of which correspondence you have in the State Department. I refer particularly to A, B, C, D, E, F, G, H, I, J, K, L, and M, and No. 23 of June 6, 1870. President Grant informs me that I did right in protesting against them. General Babcock tells me he knew all about them, and also when the arms and money were sent, and I should not protest against grants and concessions of lands; that my doing so injured the chances for the ratification of the treaty. He also told me that Mr. Hatch should not have been released, and that President Grant did not know that the order for his release had been sent, and that President Grant was displeased at it.

"Baez, Delmonte, Fabens, and Cazneau all told me that Fabens went to Washington as plenipotentiary by special request of Babcock. They also told me of Fabens's influence with Senator Sumner and other senators, also with General Banks; that these gentlemen had promised him (Fabens) to go for the treaty. Fabens also told me the same thing. Mr. Prime saw me at the time I was speaking to Fabens on this subject. I spoke to Prime about it, and also told Captain Allen of the Swatara. Captain Allen told me Fabens had shown him a letter, said to have been written by Senator Sumner, that he had exhibited at Samana, but that it was written several years ago, and said nothing about annexation. I have positive information that Senator Sumner never made any such assertion to Fabens. I speak of this to show the means these men take to influence and blind these people. There are several very honorable and well educated Dominicans who speak English, and could have represented their country very favorably as plenipotentiaries. The people justly feel hurt that some Dominican was not sent with the returns of the vote for annexation. But Baez did not dare to trust an honest man to tell the truth.

"During my opposition to grants and concessions before the Dominican senate, Cazneau openly avowed that he was taking steps to have me relieved; that I was the wrong man in San Domingo; that they had made a mistake in having me sent to San Domingo. These remarks he made to Pedro Garcia, president of the senate. He also told me and others that Generals Babcock and Ingalls and others knew all about his petition for 200,000 acres of land. President Baez also told me that these gentlemen knew about it, and took copies of this scheme with them to the States. I will state here a memorandum given to me by General Carlos Baez, member of the senate, and brother of President Baez. Mr. Edward Prime, of the National Bank of San Domingo, is a witness to the statement of General Baez, as the latter gave in the facts so I could protest against them before the senate; as he, and also the president of the senate, intimated that if these grants and concessions were not stopped that Cazneau and his friends would have all the public lands of the island. These gentlemen told President Baez, at a meeting of the senate in the President's room, that they did not see why Dominicans could not be entitled to some of these lands as well as Americans; that there were men in San Domingo who had fought, loaned money, and given goods to support the government, and why should they not be entitled to some of these grants and concessions that were being given so liberally. Carlos Baez requested that I should apply to the senate for a copy and protest against this grant, as the senate did not dare to oppose it, unless I took the lead.

"Cazneau presented a petition to the senate on the 29th day of April, 1870, seconded by Gautier, for introducing emigrants for the next two years—two thousand emigrants—five hundred of them for the province of San Domingo, the balance for the frontier; one hundred acres of land to each emigrant. Emigration to continue for two years. Cazneau reserves to himself the right to govern, administer, and hold entire control of these lands; these emigrants not to be Dominicans—to be completely under his control. Cazneau to be the

absolute owner of any mines discovered or existing in these lands. Cazneau presented the same petition to Cabral, which was not acted upon.

"I have considered it my imperative duty to bring the foregoing facts to the knowledge of my government, in order that it may be fully acquainted with all the circumstances relating to the question of annexation, without my being, in any manner whatever, actuated by personal or private motives, which I entirely disclaim, and trust that in giving the true history of matters connected with the San Domingo affair my conduct will be approved.

"I am, sir, with great respect, your obedient servant,

"RAYMOND H. PERRY,

"United States Commercial Agent."

"Hon. HAMILTON FISH,

"Secretary of State."

E. O. BABCOCK'S examination resumed.

By Mr. HOWARD:

Question. You have heard that paper read?—Answer. Yes, sir.

Q. What can you say about advising Mr. Perry that he should advise with others in regard to his course as stated in his letter?—A. I have no recollection of ever advising him in any such manner. The letters of introduction that I gave Mr. Perry were voluntary on my part and were intended as an act of kindness to him, he going down there as a stranger. He came into the Executive Mansion and I told him I would give him some letters. I kept no record of them, they being mere formal letters of introduction. I gave him one to Mr. Gautier, one to General Cazneau, one to Colonel Fabens, who was in New York, and one to Spofford and Tileston. My object in giving him one to Spofford and Tileston was in the hope that those gentlemen would extend to him the courtesies of their steamship line in going to San Domingo. The object in introducing him to the other gentlemen was simply to assist him when he should arrive in that country. I endeavored to tell him about other gentlemen that I had met there. I told him about the hotel where I had staid, and told him the names of some of the merchants I had met.

Q. Where did this interview take place?—A. At the Executive Mansion here, in Washington.

Q. Before he went to San Domingo?—A. Yes, sir.

Q. What can you say in regard to the statement contained in his letter, in which he alleges that you told him that Cazneau had advised the removal of Commercial Agent Smith?—A. I do not think I ever told him so; he certainly never did advise me to do that. The reasons for the removal of Mr. J. Somers Smith were these, as I stated in my evidence before: the Dominican government did not believe Mr. Smith to be their friend; they believed that he was in the friendship of the opposition; and when I returned I related that fact to the President. They stated that in the communication which I brought to the State Department at the time.

By Mr. FERRY:

Q. Who signed that?—A. Mr. Gautier. I told the President what this feeling was, and told him that I did not know that it was true; but that whether it was true or not, so far as any negotiation with those people was concerned, it was just as bad whether it was true or not, because they would not negotiate with him. That was the only charge I made against Mr. Smith or recommendation for his removal.

By Mr. HOWARD:

Q. Let me read another passage from this letter of Mr. Perry. He says: "You will, perhaps, remember telling me to write everything to the department; I endeavored to do so, and it was my wish to do so; but had I written fully the manner in which this whole movement was being conducted, I feared the government would not be able to carry out the plan of annexation. I was also advised by Generals Babcock and Ingalls. Cazneau, Baez, and others, to write nothing personal, and always speak encouragingly in my communications." So far as you are concerned, what remark have you to make upon that statement?—A. I should like, as an answer to that, that Mr. Perry should file the letter I wrote to him.

Q. Did you write him a letter?—A. I wrote him one letter, either in March or April. I have no copy of it, but I think Mr. Perry has the letter in his possession. If he has I should like to have it put on record as an answer to the question.

By Mr. PERRY:

Q. The inquiry here is as to what you said to him last fall some time?—A. I do not understand it that way. All that I ever advised him was in this letter.

By Mr. SCHURZ:

Q. Do you remember whether you did or not?—A. In that letter I know I did.

By Mr. HOWARD :

Q. Advised him how ?—A. Advised him in writing his communications, to keep the official and personal matter separate.

By Mr. SCHURZ :

Q. What did you mean by personal matter ?—A. I will explain. In one of his communications to the State Department—I cannot give the express wording, but the idea—he informed the Secretary of State that he had signed the treaty and complied with the instructions and wishes of General Babcock, and that he was ready to execute any orders that might be sent to him, and he would do so without personal interest or such motives as he feared other people had, not mentioning any name.

Q. And you desired him not to mention those persons who might have personal interests ?—A. No; I did not ask him that. I asked him not to put that in his official communications. The reason I did it was that I was inferentially the person referred to if one saw fit to impute it to me as having done this work, and I wanted him to name the persons that he meant.

Q. You desired him not to mention any personal matters ?—A. No, sir; that is not it.

Q. You say that he mentioned certain things in his dispatches to the State Department. Did you get knowledge of all the dispatches which Mr. Perry sent to the State Department ?—A. At the time that I wrote this letter I knew that this dispatch had been received.

Q. Did you usually get knowledge of all the letters which Mr. Perry wrote to the State Department ?—A. I usually had the general information; I did not see the documents.

RAYMOND H. PERRY recalled.

By Mr. HOWARD :

Question. In this letter you make a statement in these words: "I have also had directions from several others what my correspondence should be to the Department of State at Washington, and have been requested to keep back facts in relation to the election and Cabral's party and the discontent of the people of the island." Will you state what other persons ever made any such suggestion to you except these persons just named in your letter from which I have read—what other persons except Babcock, Ingalls, Cazneau, and Baez—name them ?—Answer. Cazneau advised me a great many times about that.

Q. What other persons, except this list of names ?—A. I suggested to Mr. Schurz to have that postponed until my next examination, as parties have advised me even since I have been here.

Q. But you are speaking in this communication about scenes on the island of San Domingo ?—A. I am speaking of that now.

By Mr. SCHURZ :

Q. Did Mr. Fabens ever advise you to that effect ?—A. Yes, sir; in San Domingo.

By Mr. HOWARD :

Q. Then you say that Fabens was one who advised you to keep back information ?—A. Yes, sir.

Q. Do you think of any one else ?—A. Merely the people I mentioned there.

Q. And Fabens ?—A. Yes, sir.

Q. Have you the letter just referred to by General Babcock ?—A. I have.

Q. Will you produce it ?—A. I will.

[The letter was produced and handed to General Babcock, who, on examination, pronounced it to be the letter referred to.]

The letter was read as follows :

["Personal and confidential."]

"WASHINGTON, D. C., March 30, 1870.

"MY DEAR PERRY: I am sorry to be guilty of neglect, and could I see you but a moment I could clear your mind, as I shall do some day any way.

"I have received two letters from you and shown them to the President. I would send you my views of matters here, but I might interfere with the rights of the State Department; so I shall confine my letter to personal matters.

"All your friends are quite well. I hear from General Sheridan quite often. I suppose you have heard of his having a little trouble in the Indian country. Generals Ingalls and Sackett are quite well.

"I am sorry the Americans in San Domingo do not agree, for their disagreements have been used to a disadvantage here. I saw a letter from O'Sullivan before I saw yours, in which he said you and General C. had some difficulty. General Cazneau told me in a letter that he regretted that he had had a difficulty with you, but spoke in the kindest terms of you as a true gentleman, &c. I only mention this to show you that he has not been complaining of any ill-treatment with you. You will remember what I told you when I gave you a letter of introduction, and I have yet to know personally of any act of bad faith on

his part. This is of no account. The few Americans there should unite in the one great object, namely, securing to our government the valuable foothold in the West Indies.

"You will remember that I had to write through General C. when Smith was consul. Since then I have simply replied to his letters. You will excuse me, and remember that I am writing a strictly private and confidential letter; and I am sure you wish to serve the interest of the President, and will not allow any personal feeling to prejudice you against his wishes.

"I am happy to inform you that Mrs. B. and the boy are quite well. I hope you find means to pass the time pleasantly. I shall be pleased to hear from you often.

"May I request that you do not put any private matter with official, for they have to be shown if the information is used.

"Remember me to Prime and my friends at San Domingo.

"Yours, truly,

"O. E. BABCOCK.

"R. H. PERRY, &c., &c."

O. E. BABCOCK'S examination resumed.

By Mr. HOWARD:

Question. Is that the only letter of that kind you ever wrote to Mr. Perry?—Answer. I think it is.

By Mr. FERRY:

Q. Did you get an answer to that?—A. Yes, sir.

Q. Have you got that answer? If so, I should like to have it produced now in connection with Mr. Perry's letter.—A. I have it.

By Mr. HOWARD:

Q. You think that is the only letter of the kind you ever wrote to him?—A. I think it is.

Q. Can you or can you not say that that is the only advice you ever gave him on the subject?—A. That is the only advice in reference to his dispatches that I ever gave him.

Q. Now produce the answer to that letter?—A. This is the letter I received in reply:

"SAN DOMINGO CITY,

"April 15, 1870.

"MY DEAR GENERAL: Your kind note of March 30, 1870, was received, and am glad you intended me no neglect. You mention having received two letters from me and shown them to the President. I have written you by each mail since your departure on the Albany, only ceasing to write the last two mails, having heard nothing from you during the winter. I am glad to hear that General Sheridan is well. I have been reading the account of his Indian troubles with much interest. You also speak of Ingalls and Sackett. I received a note from Ingalls and answered him.

"You say the disagreements among the Americans in San Domingo have been used to disadvantage in Washington. As there are so few Americans here in this place, you must allude to my difficulty with C. The difficulty consisted in my telling him my opinion of him, which is true. It is useless to disguise the fact he and F. cannot be trusted. I do not object to any man making money, provided it is not done under false pretenses, and does not affect the financial interest of our government. This will be done if the plans concocted by C. and F. and Baez are carried into effect, as they have claims for nearly one-half of the island.

"As an instance of the character of Cazneau, and his readiness to sacrifice any one and anything for the furtherance of his own plans and welfare, let me tell you that he vigorously opposed the release of Hatch, and as vigorously pleaded for the release of the two Dominicans guilty of murder, who chanced to serve some of his interests if freed.

"As regards my course, I have never, in a single instance, deviated from what I consider a strict line of duty, uninfluenced by influential friends or foes. This has been to serve President Grant and the interests of our government; to aid in every possible way the cause of annexation, which I have done. I have endeavored to hasten the movements of President Baez and his cabinet, and have also suggested plans for rousing the people to enthusiasm and action, but President Baez and his cabinet have been timid, and lost the first forty days' time in listening to advice from other governments, which advice was prejudicial to our wishes.

"I can safely assert that I have never mingled private or personal matter in my official communications to the department, save when it affected the interests of my government. I shall never hesitate, from any motives of personal prudence, to expose any intrigues against my government which may come to my knowledge.

"With kind remembrance to friends, I am, general, with great respect, your obedient servant,

"RAYMOND H. PERRY.

"General O. E. BABCOCK.

"P. S.—I have just returned from President Baez, and I am informed that Colonel Fabens, who is now in the city, leaves to-morrow morning on the Tybee with certain schemes to negotiate a loan for this government, and that it is by request of yourself, Generals Ingalls, and Cazneau, and that he is also expected to relieve Mr. Coen in Washington.

"Yours, &c.,

"R. H. PERRY."

Q. That was the answer you received to that letter?—A. Yes, sir.

RAYMOND H. PERRY recalled.

By Mr. SCHURZ:

Question. There is an expression in your letter just read which relates to the advice of foreign governments. What did you mean by that?—Answer. I meant the Hartmont loan and the parties connected with the loan, represented by an Englishman in San Domingo, and also the French consul and his friends.

Q. Do you know what kind of advice they gave?—A. President Baez himself told me that they were telling him that our government would not indorse the action that had been taken; that our Senate would not approve President Grant's step in this matter; and that he did not care to have a vote until the Senate had acted on President Grant's step.

By Mr. FERRY:

Q. Did you ever get any answer to the letter you have just now read, which you wrote to General Babcock?—A. No, sir.

O. E. BABCOCK'S examination resumed.

By Mr. HOWARD:

Question. Now I will go on. Here is another sentence in the letter of Mr. Perry of the 7th of June: "Generals Babcock, Sackett, and Ingalls came on shore the next morning and called upon President Baez; Cazneau and Fabens being present. The above-named gentlemen were present every day during the negotiations, except Ingalls. On the next day they called again; when the treaty was read, Cazneau proposed to draw up two separate papers—one to place before the people of San Domingo, to control the election; the other before the United States government, to keep them quiet. This was approved by Baez and Mr. Delmonte, who remarked that it would influence and hasten the election in San Domingo." What can you say in regard to that statement?—Answer. I do not think that the suggestion came from General Cazneau. The idea of the two treaties was this: A secret treaty that should go before the Senate, and one that should be put before the people. I took down from Washington two draughts—one a treaty for annexation, and the other a convention for the lease of Samana as a security for the money and the arms advanced. This convention contained articles which referred to the subject of annexation; in other words, the two were so constructed as to refer to each other. President Baez said that he did not wish to refer the treaty of annexation to his senate, but he wished to refer the treaty of annexation to his people; but before he could receive any money from our government, he must have the approval of the convention for the lease of Samana by his senate. He said that that would go before his senate and be confirmed, and then he would receive the money; and he suggested that that need not appear in Washington with the treaty of annexation. He said it was merely as a security for the money that we advanced, and if annexation took place, as we all believed it would, this convention need never be acted upon by our Senate—might be withheld by President Grant. We explained—Mr. Perry joining with me, I remember, but I do not know who first suggested it, he or myself—that that could not be done.

Q. Who was present?—A. I think he was that day.

Q. Who else was present?—A. General Sackett, Mr. Perry, President Baez, Mr. Gautier, General Cazneau, and Colonel Fabens. We told them, as Mr. Perry says, that we could have no secret treaty; that whatever we did would have to go before our Senate, and consequently we must have no secret treaty about it.

Q. The statement in this letter is, that "Cazneau proposed to draw up two separate papers—one to place before the people of San Domingo, to control the elections; the other before the United States government, to keep them quiet." Is that statement true or false?—

A. I know of no such proposal to keep the United States government quiet, nor any such proposition.

A. Were you giving your attention to the conversation?—A. I was. General Sackett was my interpreter.

Q. Was General Sackett present?—A. Yes, sir.

Q. In what language did the conversation take place?—A. I think it was in Spanish at that time. They sometimes conversed in Spanish, and sometimes in French.

D. B. SACKETT recalled.

By Mr. HOWARD:

Question. You have heard the statement from Mr. Perry's letter as to which General Babcock has just been inquired about; will you state your recollection of that conversation?—Answer. The conversation was in this way: We carried down there a treaty, and what was called a convention or agreement for the lease of Samana, and that was a guarantee for the money and the munitions of war we took down there. In that convention, which was drawn up here in the State Department, the treaty was mentioned. President Baez said he did not want the treaty mentioned in that, as it went before his senate, and he did not want them to know anything about the treaty then.

Q. By "the treaty," what do you mean?—A. The treaty of annexation. He did not wish his senate to know then of this treaty of annexation. He was not prepared then to lay it before his people and before the senate; but when he received money or anything of that kind, he could not do it without the consent of the senate.

Q. In that conversation did you hear Cazneau propose "to draw up two separate papers—one to place before the people of San Domingo to control the elections; and the other before the United States government, to keep them quiet?"—A. No, sir.

Q. Did you hear Cazneau make any such proposition?—A. No, sir.

Q. Did anybody make any such proposition?—A. Nobody ever made it. I said the other day that one day going home, after a stormy debate that we had had, Cazneau, on the way, asked if we could not make a secret treaty. It was not at these interviews at all. He asked that one day on the way home. I laughed at the idea, and told him we could not do anything of that kind. He said, "Sometimes such things are done; sometimes a secret treaty is made to lay before the Senate." Said I, "We are not here for any such purpose; anything we do must be open and above-board." This conversation I did not think of the other day when I was asked about this point by Mr. Vickers, as that was about the convention to guarantee the money we carried down.

By Mr. VICKERS:

Q. You refer to the convention for the lease of the harbor of Samana?—A. The bay and peninsula of Samana.

O. E. BABCOCK's examination resumed.

By Mr. HOWARD:

Question. In this letter of Mr. Perry to the State Department, of June 7, occurs this passage: "During the whole of this time these plans were kept a secret from the United States and Dominican government, or rather the people. General Babcock often told me that I must stand by Cazneau and Fabens, and advise with them." What have you to say upon that passage from the letter?—Answer. On the subject of keeping this thing secret there was no opportunity to communicate anything to my own government, and of course we had to keep it secret from them for a time. But so far as advising Mr. Perry to consult with Cazneau and Fabens, and be guided by them is concerned, I did not do so.

Q. The sentence proceeds to say: "That they," that is, Cazneau and Fabens, "represented large interests in the island; that he" Babcock "had interests with them." Did you ever state that to him?—A. I never did.

Q. Is it true?—A. It is not true. I never had one cent interest with either gentleman on the island.

Q. Here is another sentence: Mr. Perry says: "I told Babcock one day in my office in San Domingo that I thought there was foul play somewhere, and told him I did not like the action or propositions of Cazneau, Fabens, Baez, and others, and that I thought I was the wrong man in San Domingo at that time." Do you recollect any such conversation as that?—A. The only conversation that could be included in such a statement, of which I have any remembrance, was that a number of times—I do not know how many—Mr. Perry told me it was all wrong that he should sign the treaty. He said, "You have done all the work, and you ought to sign the treaty and have the credit of it." He expressed it in that way.

Q. Have you any further remark to make upon the statement I have just read?—A. No sir.

By Mr. SCHURZ:

Q. Do you positively deny that statement?—A. I do deny it.

By Mr. HOWARD:

Q. Again Mr. Perry, in the same letter, says: "and also asked if he, Babcock, had known these men long, and why it was they did not want Hatch released? Babcock told me I must not attempt to release him; that he would work against the treaty; and that he was an enemy to Cazneau, Fabens, and Baez." What have you to say about that?—A. I do not remember his asking me the question how long I had known these men. I think he

knew that I had only known them since July. I have no remembrance of his asking me the question. I never told him he should not have Mr. Hatch released because he was an enemy of Baez, Cazneau, or Fabens.

Q. Did you tell him directly or indirectly that he ought not to procure the release of Hatch?—A. I did not.

Q. Do you state that positively?—A. I do.

Q. Under the solemnity of your oath?—A. I do.

Q. Mr. Perry states further: "I told Babcock that Hatch was a mere political prisoner; that he assisted both parties and suffered from both parties; and that both parties, Baez and Cabral, had been equally strong, and had many friends then on the island." Do you recollect any such statement as that being made to you by Mr. Perry?—A. I do not know that any such statement, as to the wording of it, was made. I remember in some conversations Mr. Perry referred to Mr. Hatch; but I do not know of any such expression as that.

Q. Do you recollect hearing him state that Hatch had served both the Cabral party and the Baez party?—A. I do not recollect having heard him use any such language as that.

Q. Had he made the statement that Hatch had served the Cabral party, would you not have been likely to remember that?—A. I do not know that I should, necessarily.

By Mr. SCHURZ:

Q. Have you any distinct recollection of these conversations at all?—A. I have, in a general way, but the release of Mr. Hatch was not a subject to which I was paying particular attention, and I have no particular remembrance of it, except as to general conversations. As an explanation why I have not such remembrance, it may be well for me to say that I arrived in San Domingo the second time on the 18th of November, and Mr. Perry had taken possession of his office only one or two days before, and I remember after going on shore that he told me he had delivered up the prisoners who had taken refuge in the consulate, which movement I remember having suggested to him, and I do not know but that I may say that I advised him to do it before he went down there, and he told me the President had agreed to release Mr. Hatch.

Q. Then he did tell you that the President of San Domingo had agreed to release Mr. Hatch?—A. Yes, sir.

By Mr. FERRY:

Q. On your arrival?—A. About the time of my arrival, I think. I cannot tell the precise date. I think the Dominican prisoners who had taken refuge in the consulate were given up about the time I went on shore.

Q. And Perry told you that President Baez had promised him that he would release or had released Hatch?—A. That he would when he gave him up those prisoners. I understood it was an agreement between them that he would give up those men, and President Baez would not punish them severely, and President Baez had said he would give up Hatch. Consequently I had no reason to suppose that Mr. Hatch was not likely to be released any day. I was on the island only fifteen days then, and as the man was not in the city, I had no reason to know or to suppose that he would not be released any day.

Q. Commercial Agent Smith says, in a dispatch to the department, that Captain Queen told him when he returned after you had gone home in September, that he need not trouble himself any more about that man, as General Babcock had taken the proofs of his guilt in black and white to the President. Did you take a document with you?—A. I took no document to the President.

Q. To anybody?—A. Not to my knowledge.

Q. Did you bring any document here?—A. Not that I know of, against Mr. Hatch.

Q. Did you bring any communication from Delmonte or Gautier to the government of the United States, or any department thereof?—A. I brought a number of letters; for instance, I brought a complimentary letter, I suppose it was, to President Grant, in answer to mine from President Grant to President Baez, and I think also a letter to our Secretary of State from the minister of foreign relations there, returning compliments, &c.; but I cannot be certain what the contents of any of those letters were. They were sealed letters.

Q. So that you do not know that there was anything about Mr. Hatch in them?—A. I do not. What I would understand from the statement to which you have called my attention, and what I think Captain Queen, if here, would say is, that information had been sent because Captain Queen wrote to me from some of the islands over there a note, saying that he had forwarded information to the Navy Department in reference to the Telegrafo, and that information was what I read to you the other evening. I got it by going to the Navy Department. I suppose that is what Captain Queen has reference to, though I do not know certainly.

By Mr. HOWARD:

Q. Again this letter says: "and that it was all through the influence of Cazneau and his friends that he (Hatch) was detained; and that the last time he (Babcock) was in San Domingo he had an American sailor released who had murdered another American; that Cazneau and Fabens were having Dominicans, guilty of murder and political offenses, released through Baez; and that Baez had promised me the release of Hatch." Do you recel-

lect any such conversation?—A. No, sir; but I recollect the case of the American sailor referred to.

Q. State it briefly.—A. The chief justice of the Dominican Republic sent me word one day through General Cazneau, if I remember correctly, that there was an American in prison there who had been sentenced to five years' imprisonment for murder. He said he had taken an interest in the man, as he had behaved himself well since he had been there and was an intelligent appearing man, and he hated to see an American in prison there, and he had done all he could by giving him the least punishment which the law permitted, which was five years' imprisonment. He said that if I would interest myself in the case and ask for the release of the prisoner he thought the President would pardon him. I told him I would see the man, and one morning they sent him up to the hotel under a guard. I inquired of the man his name and where he was from. I do not remember his name; I remember that he told me he was from Fall River, Massachusetts, and he gave an account that he was then from Carolina somewhere; that he had been in the confederate army. He gave me this information in answer to questions I put to him. He told me in what regiment he had been, and that he was with the confederate army until Ewell was near Washington, when he deserted and came in and offered to take the oath of allegiance, and that he was told that he might do so and go home; but before that he was sent to Elmira, where he took the oath of allegiance and returned to North Carolina. He said his custom was to go fishing up to the banks in the summer, and in winter to act as a stevedore on Cape Fear River; but that he had had trouble with his wife; they had quarreled; she did not want him to go fishing, and he wanted to go; and on account of this quarrel she had left him and gone up the country; and thereupon he shipped on a schooner that was going down to the West Indies. He said that the schooner came into San Domingo, and he went on shore with his chummy, as he expressed it, a man with whom he was on good terms; that the only money they had was a dollar, which belonged to his friend; and they got to drinking, as he said all sailors would do, when they got on shore; and before long they drank up that dollar's worth at the rate of two drinks for five cents. He said he remembered that they went along together and were having a good time, and they got into a quarrel and had a fight. Then they made up again, and, after taking some more drinks, the man wanted satisfaction, and he remembered that he thought he would give him satisfaction; and the next thing he remembered he was on board the schooner in irons, and was accused of killing this man. He said he had probably killed him, but he had done it in that state when he was not sensible. He said he had been tried and did not understand a word of the language, and did not know what the witnesses swore to against him; but he had no doubt he was properly sentenced, so far as the law was concerned. Then I asked him if he had ever been in trouble before for drinking. He told me, yes, once in Boston he had been arrested and imprisoned for a week for getting on a drunken spree. That was the only time.

By Mr. FERRY:

Q. You interceded for him?—A. Yes, sir.

Q. Was he released on your intercession?—A. He was released, but not on my intercession alone. I drew up a paper and all the Americans that were there signed with me, and the man was released.

By Mr. SCHURZ:

Q. Was there anything in the instructions you had received from the President or the State Department directing you to intercede for this man?—A. No, sir.

Q. Did you feel any delicacy in doing so?—A. Not after the chief justice of the country had asked me to do so. I addressed the application to the attorney general of the republic, or the officer corresponding to our attorney general, Mr. Delmonte, if I remember correctly.

By Mr. HOWARD:

Q. There is another statement in this letter of June 7, in which Mr. Perry says: "He, (Babcock) then remarked, 'Wait until I leave the island before you say anything more about it,'" referring to the case of Hatch. Did you ever make any such statement as that to Mr. Perry?—A. No, sir; it is not consistent with what he stated that I did say, that I had requested he would not interfere. Here he says I simply requested that he should abstain from interfering until I had gone.

Q. He proceeds: "I asked Babcock the day the treaty was signed, if he had the letter from Baez to our government, or rather to Hartmont, refusing further advances on the loan, and a copy of the public debt of the island." Do you recollect that?—A. I remember that Mr. Perry spoke of that; but Mr. Perry, I think, must have forgotten a portion of the conversation. During the negotiation, when it was proposed to President Baez that that loan must be canceled, the question occurred how that could be done, and a suggestion was made that he should write to the Hartmont people telling them that he would receive none of that money; and I do not know but that that proposition came from me—to break the loan, in other words. He said that if we insisted on it, he would do that; but he suggested that he was satisfied that they had not raised the money, and if we would let it alone, and this let-

ter should not be written, they would fail to come to time, and that would be a failure on their part, and they would have no claim; but if he wrote to them and told them not to send the money, even if they had not the money ready, they would naturally say, "We were ready to furnish the money," and then they would have a good claim. He said that if we insisted on it, however, he would write the letter. The other condition was, that they would write a letter to me that I might take to Washington, stating that if any of this money did arrive, in accordance with the contract, it should be received, but retained for the disposition of the United States government, but he was satisfied from his information that they would not do it, or something to that effect. The letter to which I refer is in a communication that was sent to the Senate in executive session. I cannot give the exact wording of it. I do not know that Mr. Perry knew that that letter was given to me; but that was the alternative, and that letter was furnished to me. No new statement of the public debt was given me at this time. The same statement that they had given me before they told me was correct, and as in the contract they had guaranteed that in case there was any more than this amount the public lands, &c., should be for it, they did not think it was necessary to make another statement.

JUNE 14, 1870.

O. E. BABCOCK'S examination continued.

By Mr. HOWARD:

Question. Speaking of Mr. Fabens, Mr. Perry's letter to the State Department of the 7th of June, says: "Babcock appoints this man also United States agent at Samana, and then writes to Baez to have him also sent to Washington as plenipotentiary; so he, Fabens, holds three positions in three conflicting interests, at once." Will you state to the committee what the facts were exactly about his being appointed agent at Samana?—Answer. I never appointed him agent of any kind, whatever; and I never wrote to President Baez to suggest his coming here as a plenipotentiary or minister. I think the only line I have written to President Baez, since I left San Domingo the last time, was written from the Bay of Samana, from which place I wrote him a note of thanks for some things he sent off to the vessel the night I left; it then being so late, I had no opportunity to send him more than a simple card; and from Samana I wrote him a note of thanks. In inclosing that note to him, I suggested that it would be a good plan to send Mr. Gautier as the commissioner to exchange the ratifications of the treaty. That is the only recommendation I ever made to President Baez in regard to any one coming here.

Q. Then you say that this statement in regard to the appointment of Fabens as agent at Samana is a mistake?—A. It is a mistake, entirely.

By Mr. SCHURZ:

Q. Did you write to Mr. Cazneau that Mr. Fabens should be appointed plenipotentiary?—A. I did not.

Q. Did you write to anybody there?—A. I did not; I wrote a letter to Mr. Fabens, sending him a lot of slips from the newspapers; I did not keep a copy of it; I think it was some time in the early part of April, sending him slips from newspapers containing accusations which had been made that various gentlemen, among them Mr. Fabens, Mr. Cazneau, and myself, had been in jobs and swindles, or something of that kind.

Q. What papers were those slips taken from?—A. I cannot name them; various newspapers in the United States.

Q. New York papers?—A. Some were from New York papers, I think. It was customary at the office to clip out the remarks that were made in reference to the treaty, and I still have a large bunch of those slips. I sent a lot of them, and suggested to him in the note accompanying them, that he or some one should come here prepared to refute them. That is the only recommendation I ever made for him or any one to come here.

By Mr. VICKERS:

Q. Have you a copy of that letter?—A. I have not. It was merely a social letter, and I did not keep a copy.

Q. Are you in the habit of keeping copies of your letters?—A. I have a great many social letters to acknowledge that I receive and answer hurriedly, and a great many of them I do not keep copies of. Colonel Fabens is here; I do not know whether he has the letter or not. I had no power whatsoever to appoint an agent in San Domingo anywhere. My letter of instructions left it in the care of the navy to take charge of the flag, or the possession there. The instructions have been published, and are before the Senate as an executive

document. The commanding officer of the Albany enlisted a couple of Americans who were residing there and put them in charge of the flag; and it is possible that he may have requested Colonel Fabens, who was going to stay there, to look after it; and it may be possible that I said to him that Fabens would be a good man to look after it; but I asked for no appointment or authority to him whatever. The only agreement with those men was that they should put up the flag at 9 o'clock in the morning, and take it down at night and see that it was not disturbed.

By Mr. SCHURZ :

Q. Was anybody appointed to take charge of the property of the United States there?—A. There was no property there of the United States, except this flag.

Q. Was there not property sent there?—A. After I returned here I went to the Navy Department and asked them to send some coal down for those steamers. Admiral Smith, I think, or whoever has charge of that branch in the Navy Department, asked me if I knew any Americans there to consign this coal to. I told him in the first place the name of one of the men—I do not remember it now—who had been enlisted to take charge of the flag, and I told him also that Colonel Fabens was there. The Secretary of the Navy was in the room and the Secretary inquired, "Is it old Colonel Fabens?" and I told him "Yes." "Well," said he, "consign it to him."

By Mr. FERRY :

Q. How did you know that Colonel Fabens was there?—A. Because I left him there. He went over from San Domingo to Samana on the Albany, the same vessel I did, and he told me he was going to stay there.

By Mr. SCHURZ :

Q. Had he any business there?—A. He told me he was the agent of Spofford, Tileston & Company, who had the line of steamers from New York; that they were going to build a wharf there, and that he was to be their agent.

Q. Where is his residence, properly speaking, in San Domingo?—A. I think he would class it at Samana, now. Formerly he lived in San Domingo City, and had a place there, but his family have been living for a year or more, I think, in New York. I should suppose his residence now would be at Samana, from his taking a position as the agent of these gentlemen there.

Q. When you were at San Domingo was his residence then at that city?—A. He was at that city during the time I was there.

Q. Did he reside there?—A. He lived at the hotel.

Q. You say that coal was consigned to him. Do you know of anything else having been sent to him?—A. I am not aware of anything whatever.

By Mr. HOWARD :

Q. How much acquaintance had you with Mr. Cazneau?—A. I first met Mr. Cazneau on the island in July, 1869, when I first visited it.

Q. Did you ever meet him before?—A. Never. I never heard of the man until going down on the steamer, I believe I heard him spoken of.

Q. In Mr. Perry's letter of the 7th of June there is this statement: that Baez told Perry that "General Cazneau was a friend of General Babcock, and was in direct communication with President Grant, and therefore knew the wishes and plans of my government, and that in case of annexation Cazneau would be a very wealthy man and the first governor of the island." Did you ever have such a conversation as that with Baez?—A. No, sir, never. I cannot say that Baez did not state that Cazneau was my friend. I do not know anything about that part of it; but, as to the appointment of Cazneau as governor, the idea never entered my mind. If I had the appointing power, I certainly should not give the place to him. I think myself that if annexation takes place, General Cazneau's property there will make him a wealthy man.

Q. Did you hear anything said in your conversations with President Baez that Mr. Cazneau was in communication with the government of the United States?—A. No, sir.

Q. Have you any reason to believe that he was?—A. None; only that since the investigation I have learned that there were two or three documents—one at least—which he communicated to the State Department.

By Mr. SCHURZ :

Q. Had Mr. Cazneau any correspondence with you?—A. Yes, sir.

Q. Did you communicate the letters to the President?—A. I did.

By Mr. FERRY :

Q. Did you reply to him?—A. To a number of his letters.

Q. Did you date those letters from the Executive Mansion?—A. Yes, sir. They were shown to the President on their arrival, and my answers were shown to him; in fact, I was his secretary in writing them.

By Mr. HOWARD :

Q. Here is a statement that Cazneau was in direct communication with President Grant, and Mr. Perry imputes this statement to President Baez as having come from Baez to him, (Perry.) What reason have you to suppose that there was any such direct communication between Cazneau and President Grant?—A. I do not know that General Cazneau ever wrote a letter to President Grant directly, or that President Grant ever wrote a letter to General Cazneau.

Q. Did you ever hear of such a correspondence taking place between them?—A. No, sir, I never heard of it.

By Mr. SCHURZ :

Q. Does President Grant generally carry on his correspondence directly or through his secretaries.

Mr. HOWARD. I do not see what that has to do with the inquiry.

Mr. SCHURZ. The assertion is made that Cazneau was in correspondence with President Grant. General Babcock admits that he received frequent letters from Cazneau, and admits also that he replied, dating his letters at the Executive Mansion, and he also says that he submitted the letters of General Cazneau to President Grant. Now the question is legitimate whether President Grant is in the habit of carrying on his correspondence personally or through his secretaries.

Mr. HOWARD. I take it, Mr. Chairman, that we are not to go into inquiries as to the President.

Mr. SCHURZ. Very well; I do not care about pushing the matter.

By Mr. VICKERS :

Q. I will ask the witness whether he has any knowledge on that subject?—A. I have no knowledge that General Cazneau ever wrote a word to President Grant, or that President Grant himself directly ever wrote a letter to General Cazneau.

By Mr. WILLIAMS :

Q. Up to the time that you closed your correspondence with General Cazneau, had you any reason to suppose that he was not a friend of the United States, and a good and honest man?—A. No, sir, I had no reason to suppose that he was not an honest man. The only thing that I have ever heard was what I have told you; the Secretary of State said to me, that he had no confidence in him, but he made no specific charge, or anything of that kind, against Mr. Cazneau.

By Mr. FERRY :

Q. When did you first hear of General Cazneau?—A. I think his name was mentioned on the steamer the first time I went to San Domingo; but I cannot state certainly.

Q. You state that you have no reason to suppose that General Cazneau was not a friend of the United States. Did you not hear that during the war of the rebellion he was in earnest sympathy with the rebellion?—A. I never heard it until I heard it here in this room.

By Mr. HOWARD :

Q. Again, in the letter of the 7th June, Perry says: "I also protested against grants and concessions of lands, all of which correspondence you have in the State Department. I refer particularly to A, B, C, D, E, F, G, H, I, J, K, L, and M, and No. 23, of June 6, 1870. President Grant informs me that I did right in protesting against them;" that is, against grants and concessions. "General Babcock tells me he knew all about them." What can you say in regard to that last allegation?—A. I told Mr. Perry that I knew about the concession to General Cazneau. The emigration scheme I meant. He might have understood me to say that "I knew all about them," but I did not intend to say such a thing, if I did; and it would have been untrue, if I had said so, because I did not know there was such a man as Schumaker on the island. What I meant by knowing about that colonization scheme was this: among the list of concessions that accompanied the treaty is a concession for an emigration scheme; and that is mentioned in the schedule attached to the treaty.

By Mr. SCHURZ :

Q. Is that the two-hundred-thousand-acre grant?—A. I was going on to say that that is what I meant. That is the only concession that I knew of, and I suppose this is the same one. I made a remark to Mr. Perry, I think, to the effect that, if there were any concessions other than that, they would be null and void under the sixth article.

By Mr. HOWARD :

Q. What was the nature of that concession; what was its date; what was its inception and purpose; can you state?—A. No, sir, except from the information I received.

Q. Of course, you can state only from your information.—A. As I understood, those people had previously—I do not know the exact date—conceived the plan of introducing immigrants on the island, and they wanted them to occupy the border between Hayti and San

Domingo, which is a raiding ground; and to encourage them to do this they had a scheme to give them lands. My impression was about as Mr. Perry says, that a man who would settle there was to have one hundred acres, and to hold his nationality a certain length of time before he could get title to the property; but after that time he would have title and could sell it. It was a scheme to encourage immigration, and there was to be a certain portion of the land given to shipping or the means of bringing the immigrants there. They were to be brought from abroad; they could not be taken from one part of the island to another. That was discussed, I remember, in talking with Baez during the summer, and he more particularly had that in view, as I understood, in case only the lease or purchase of the bay and peninsula of Samana took place. He thought that to put this border between him and Hayti would make his country much stronger.

Q. Did you understand that this arrangement had its inception at a date anterior to the confirmation of the treaty?—A. Yes, sir.

Q. How long anterior?—A. I cannot tell the exact date.

Q. Several years?—A. I cannot state the time. I know it was talked of before I returned to the United States the first time in September. It was talked of when I was down there in July and August, and General Cazneau wrote a letter to me explaining the matter; or rather giving his letters to me after I had left there and before I went down the second time. I remember that he mentioned the matter.

By Mr. SCHURZ:

Q. Have you that letter?—A. I think it is among the files at the Executive Mansion.

Q. Can you give it to us?—A. Not unless the President of the United States consents.

Q. Be kind enough to ask him?—A. Very well.

By Mr. FERRY:

Q. Then the letters of General Cazneau to you are under the control of the President?—

A. I understand it so.

By Mr. SCHURZ:

Q. Was that colonization scheme to be under the superintendence and control of Mr. Cazneau?—A. I did not understand it to be that way. I understood that he had originated the scheme, but I did not follow it up closely; I supposed there would be some organization of a company, and I did not know but that he, in the end, would come out the president of it. I do not know about these details, however.

Q. Was the grant consummated before the treaty was concluded?—A. I suppose it was from the fact that they gave it in the list. I do not know the date of the confirmation. It is in the list of concessions accompanying the treaty.

By Mr. HOWARD:

Q. Mr. Perry's letter of June 7th proceeds: "General Babcock tells me he knew all about them"—that is, the grants and concessions—"and also when the arms and money were sent, and I should not protest against grants and concessions of lands." Did you make any such statement as that to Mr. Perry?—A. I think I told him that I knew there were some arms and money sent down from New York, and that there were ten thousand dollars in coin sent down by Spofford, Tileston & Co., and some arms and munitions. I think I told him so, and I think I told him it would be better not to have protested, or something to that effect.

Q. What protests did he refer to—protests he sent to the Dominican senate?—A. The protest he made against concessions. I meant, as I think I followed by explaining to him, that they were all null and void, and invalid, and that the reports that all kinds of concessions, &c., were being made, were being used by a portion of the press to oppose the treaty.

By Mr. SCHURZ:

Q. You say that ten thousand dollars in coin and some arms were sent by Spofford, Tileston & Co. What were they sent for, do you know?—A. I do not know. I know that Colonel Fabens told me, either verbally or in a note, I do not remember which, that Spofford & Tileston had sent down that amount of money.

Q. Why did you tell Mr. Perry, if you did not know why they were sent, that you thought it best not to protest against it?—A. I did not say that. I said I thought it best not to protest against concessions.

Q. Had you any conversation with Mr. Perry about that money and those arms?—A. I told him I knew they went down there, and I think I told him they came back.

By Mr. HOWARD:

Q. Fix the time and place of this conversation.—A. It was at the Executive Mansion in this city, the first morning that I saw Mr. Perry after his return from San Domingo. I do not remember the date.

Q. In what month must it have been?—A. It was the last of May.

By Mr. SCHURZ:

Q. Did Mr. Perry tell you that he had protested against the landing of that money?—A. Yes, sir.

Q. Did you express no opinion about that protest?—A. No, sir.

Q. None whatever?—A. None. The protest that I expressed an opinion about was his protest about concessions and the acts of that government.

Q. Was it your opinion, at the time, that that money and those arms might have been sent down in consideration of a loan?

Mr. HOWARD. Do you ask the witness as to his mere opinion?

Mr. SCHURZ. I want to know as matter of information, whether it was part of the loan that was sent down.

The WITNESS. I have no information and no reason to know that Mr. Hartmont had anything to do with the sending of this money.

By Mr. FERRY:

Q. Did you not know that Spofford and Tileston were his agents?—A. I did; but then they were men of very great wealth, and I did not know but that they had sent the money themselves and taken their risk.

Q. What would they send arms for?—A. I do not know. That is their business. I knew that if they sent down any money on the Hartmont loan, according to the contract it would be null and void, and they could not collect it. Anything they would send would be at their own risk, because, by one of the articles of the treaty, they had to send the money there by the 31st of December, and if Hartmont saw fit to send down money afterward, and Mr. Baez took it, it would be entirely at the risk of the agents of the loan.

By Mr. SCHURZ:

Q. Did you state that you knew of those arms and of that money being sent down?—A. I did state so.

Q. How did you get that information?—A. I think Colonel Fabens told me so in person or in a note I had from him.

Q. Did he tell you, also, what those arms and that money were sent for?—A. Sent for the Dominican government, as I understood.

Q. As a loan?—A. I do not know that it was expressed in that way. I do not know whether it was in the form of a loan or not. My inference was that it must have been loaned to them by somebody.

Q. Did Colonel Fabens tell you anything about whether it was a loan or not?—A. I cannot say that he ever said it was a loan, but my inference was that it must have been a loan to those people, because I did not suppose they paid money for this money.

Q. Do you know of anybody in New York loaning moneys to the Dominican government, except Hartmont & Co.?—A. No, sir, I do not, and what I state is all I know about their loaning it.

By Mr. HOWARD:

Q. In this paper of June 7, Mr. Perry says: "He," meaning Babcock, "also told me that Mr. Hatch should not have been released." I suppose he there refers to the same conversation to which you have referred?—A. Yes, sir.

Q. What did you say to him about Hatch being released?—A. I did not tell him that he ought not to have been released. I asked him the question whether he had a positive order for the release of Mr. Hatch, and he told me he had; and then I told him, as I stated before, that this was sent without the knowledge of the President. I made that remark so as to explain why I had asked the question.

By Mr. FERRY:

Q. How did you know it was sent without the knowledge of the President?—A. I knew it from private conversations I had had with the President.

Q. Had you yourself mentioned Mr. Hatch to the President?—A. I had.

Q. Had you stated to the President that Mr. Hatch ought not to be released?—A. I had given my opinion to the President that Mr. Hatch was guilty.

Q. Had you stated to the President that, in your judgment, Mr. Hatch ought not to be released?—A. No, sir; I do not think I ever did.

By Mr. VICKERS:

Q. When was it that you stated your opinion to the President?—A. I cannot fix the date, but it was some time this spring.

By Mr. FERRY:

Q. You had told the President, then, that you believed Mr. Hatch to be guilty.—A. Yes, sir.

By Mr. HOWARD:

Q. Do you know whether Mr. Perry had any difficulty in San Domingo when he was there?—A. Yes, sir; I understand he had.

Q. Have you a dispatch or letter from Mr. Gautier, the Dominican minister of foreign affairs on that subject?—A. I have one that was sent to the State Department.

Q. Have you it with you?—A. I have.

By Mr. SCHURZ:

Q. Did you get it at the State Department?—A. Yes, sir; it was sent from the State Department to me.

By Mr. HOWARD:

Q. What is the date of it?—A. May 17, 1870. I have the original here and also a translation by the State Department.

Q. Read the translation.—A. It is as follows:

"SAN DOMINGO, May 17, 1870.

"MOST EXCELLENT SIR: After my note of yesterday had been written, with regard to the proceedings of the commercial agent of the United States in this city, a new and scandalous incident occurred, which has deeply grieved all the members of the government, all the friends of annexation, and all North American citizens who have had knowledge of the affair. The case is as follows:

"An American citizen had been sued by a Danish subject for an outrage which he had committed, and as the said American belonged to the crew of the Tybee he could not be allowed to depart in the said vessel before having paid the fine to which he was condemned. At this juncture the consul made the offer that the said fine should be paid through his mediation, he becoming responsible for the individual, who was at once suffered to depart. This took place at the time when the Tybee sailed in March.

"The court, on the consul's refusal to pay, again required the condemned party to pay the fine, as soon as the Tybee arrived, and the consul entered the court-room, and in open court told the plaintiff to abandon the suit and to keep silent. As the plaintiff replied that he could not abandon his complaint, the consul, without any regard for his position, for the dignity of the court, or for the concourse of North Americans and native citizens who were present, walked up to the individual and slapped him in the face, and then immediately went and took refuge in his office.

"The laws of the country are precise and definite; such a lack of respect, in presence of a court, is punished with a heavy fine, and with imprisonment. My government, however, in consideration of the functions of this gentleman, out of special regard and deference to the cabinet at Washington, and to the worthy President Grant, has interposed its influence in order that the person of said agent be not touched, although it will not be possible to exempt him from the fine which justice demands.

"Unfortunately, the man who received the blow is a negro. The painful sensation produced by this occurrence in society here could not well be exaggerated, because hitherto nobody had failed in the respect due to a court: and as mischievous persons are everywhere found, unfriendly comments have been made on the affair.

"My government directs me earnestly to represent to your excellency the necessity of sending a person of peaceful disposition, well acquainted with the policy of our governments, and capable of examining and comprehending the special circumstances in which the country is placed. Mr. Perry, notwithstanding the recommendations which have been made to him to live on a friendly footing with the government; notwithstanding the deference with which he has been treated, has done, in the attitude of a friend, more injury than could have been done by the most open enemy. His good qualities and feelings disappear before the irritability of his temper, and it is a matter of importance to my government and to sound policy that the representatives of the cabinet of the United States should be as sympathetic as have been hitherto all the high officials whom we have known, as well as the officers of the United States Navy and Army.

"I renew to your excellency the assurances of my distinguished consideration.

"M. M. GAUTIER,
Minister of Foreign Relations.

"His Excellency the SECRETARY OF FOREIGN RELATIONS
of the United States of America."

The original Spanish is:

"EXC'MO SEÑOR: Escrita ya mi nota del día de ayer acerca del proceder del agente comercial de los Estados Unidos en esta ciudad vino un nuevo y escandaloso incidente. Al llenar de amargura el ánimo de todos los miembros del gobierno de todos los partidarios de la anexión y de todos los ciudadanos Norte-Americanos que han presenciado ó tenido noticia del acontecimiento. El caso es el siguiente:

"Un ciudadano americano había sido demandado por un súbdito Dinamarqués á causa

de un ultraje que aquel le había inferido, y como pertenecía á la tripulacion del 'Tybee' no podia pennitirsele su marcha en dicho buque antes de haber satisfecho la multa á que se le condenó. En tal momento el consul ofreció que se pagaria dicha multa por su mediacion, respondiendo por el individuo, á quien desde luego se dejó marchar. Esto sucedió en el viage del Tybee del mes de Marzo.

"El juzgado, á la negativa de pago por parte del consul requirió de nuevo al condenado á la multa tan luego como llegó el Tybee y el consul el plena audiencia entró en el tribunal á decir al querellante que abandonara el asunto y guardara silencio. Como le contesto que él no podia abandonar su queja, el consul, sin miramiento alguno por su posicion ni por la dignidad del tribunal ni por el concurso de Norte-Americanos y nacionales allí preventes marchó sobre el individuo y le dió una bofetada, saliendo inmediatamente á albergarse en su consulado.

"Las leyes del pais son precisas y terminantes una falta de acatamiento semejante ante un tribunal es castigada con crecida multa y con prision. Mi gobierno, sin embargo, en consideracion á las funciones, que ejerce, ese señor: por especial miramiento y defuencia, al gabinete de Washington y al digno Presidente Grant, ha interpuesto su influencia para que no se toque á la persona de dicho agente, si bien no le será posible esconerarle de la multa, en obsequio de la vindicta publica ofendida y alarmada.

"Por desgracia el hombre abofeteado era un negro. La sensacion dolorosa que ese hecho ha causado en esta sociedad es imponderable; porque nadie hasta hoy habia faltado, al respeto á un tribunal; y como no falta alguno que otro enemigo, que explote las ideas, se han hecho comentarios tristes acerca del acontecimiento.

"Mi gobierno me encarga encaracer á V. E. la necesidad de que se envíe un hombre de calma, bien penetrado del pensamiento politico de nuestros gobiernos, y capaz de estudiar y comprender las circunstancias especiales del pais. El Señor Perry, no obstante las recomendaciones que se le han hecho de que viva en buena inteligencia con el gobierno; apesar de la deferencia con que se le ha tratado, ha hecho en su clase de amigo mas dano que el que pudiera hacernos el enemigo mas completo sus cualidades y sus buenos deseos desaparecen ante la irritabilidad de su caracter y á mi gobierno y á la sana politica conviene que los representantes del gabinete de los Estados Unidos se hayan tan simpáticos como hasta ahora lo han sido todos los altos empleados que hemos conocido, y los gefes y oficiales de su marina de guerra.

"Renuevo á V. E. las seguridades de mi distinguida consideracion.

"M. M. GAUTIER,

"Ministro de Relaciones Exteriores.

"Exc'mo Señor SECRETARIO DE LAS RELACIONES EXTERIORES,

"de los Estados Unidos de America, Washington.

"SANTO DOMINGO, Mayo 17 de 1870."

By Mr. SCHURZ:

Q. You say you received that document from the State Department?—A. Yes, sir.

Q. Did you apply for it?—A. I did; I wrote a note to the Assistant Secretary, asking him if there were charges against Mr. Perry from that government, and this document was sent to me, and with it were sent down two others which I did not bring up as they were the ones read from Mr. Gautier, in regard to the protest to the president of the Senate. Those being already on file with the committee I did not bring them.

By Mr. WILLIAMS:

Q. When Mr. Perry visited you at the Executive Mansion and engaged in this conversation were the friendly relations between you and him at that time undisturbed, and did you consider that you and he were confidential friends about this treaty business?—A. I had every reason to suppose that he was as friendly to me as one could be. I have to this date to know the reason why he should have any animus toward me. I think I was probably about the first person he saw to talk with when he came back: He came in and sat down and I asked him a question purely in confidence between gentlemen, "Is there any opposition down there, or is there really a large majority of those people in favor of annexation?" wanting to get at a certainty almost, having seen the stories that were published. He told me, "Yes; there is no doubt about that," and the conversation proceeded. He asked me what he could do that could help the treaty, and I told him he could see different gentlemen; I told him the President wanted to see him, and very soon the President was at leisure, and he went in and saw the President; after he came out we had a still further conversation, perfectly friendly, and he told me of little matters going on in the country—items of information that he had; and I asked him if he would not make some notes of things that could be used to help the treaty, and I would give them to the friends of the treaty, supposing Mr. Perry to be just as friendly to it as myself. I told him if he would make memoranda for me, I would use them; the conversation at this time was interrupted, as I remember, by the Secretary of State coming in and speaking with Mr. Perry, and then inviting him to go to the State Department with him, and he went there.

By Mr. HOWARD:

Q. Can you state to the committee what the negotiation of the treaty cost, and who paid

the bills; who had charge of the money?—A. I had charge of it myself, so far as all the incidental expenses were concerned.

Q. That is, the expenses of the persons connected with the negotiations?—A. Yes, sir; I will explain what I mean. When I went from here, as the letter to me which has been published will show, I was furnished by the State Department at one time with \$500, and the other time with \$700; the first time I had authority, in case it were necessary, to draw on the department for more money for my contingent expenses; so that all the money I drew from the contingent fund of the State Department was \$1,200, and of that I used a little over \$1,100.

Q. For the whole expenses?—A. For the whole expenses that I expended in any way.

Q. With whom did you settle your accounts?—A. The money was taken from the contingent fund, or the secret-service fund of the State Department. The President looked over my first account, and I got his signature to it. The second account I have never submitted to him to get his signature; but I have it all made out. I submitted it in that way because I supposed I had to account for it to the State Department the same as any other fund; but when I went to the State Department the official clerk told me that in regard to money drawn in that way all the voucher the law required from the State Department was the order of the President for the money, and if I satisfied the President the money was properly expended, that was the end of it, so far as any responsibility was concerned; and for that reason I pursued the course I did.

By Mr. SCHURZ:

Q. Did you pay any money in consideration of the treaties?—A. Yes, sir; I paid \$100,000 in gold, for which I took Mr. Perry's receipt. Mr. Perry was present, with a number of gentlemen, when it was counted, and Mr. Perry gave me his receipt, and took the receipt of the treasurer, I believe.

By Mr. HOWARD:

Q. What was that for?—A. That was the first installment on the conditions of the treaty, to be applied to the lease of the Bay of Samana; and in the treaty it was enumerated that this money should be deducted from the \$1,500,000, in case annexation took place. That is all explained in the treaty.

By Mr. SCHURZ:

Q. Was there not a cargo of arms?—A. The condition on which the treaty was made was that \$100,000 in gold and \$50,000 in munitions of war should be supplied. A schedule of what they applied for I think accompanies the treaty. The substance of it was two or three mountain howitzers, with all their appurtenances, and the ammunition to go with them; a certain number of Springfield rifles; and a certain number of breech-loading arms, I think Spencer's. The sum was made up pretty nearly. In making out the list, I had it made out exactly as if we had been supplying our own army with the same proportion of arms and munitions, and the whole amounted to less than \$50,000. That is the reason they acknowledge in the treaty the receipt of \$175,000 and some cents. We agreed to furnish them \$150,000; \$100,000 to be in gold and \$50,000 in munitions of war. The munitions furnished amounted to \$47,000 and some cents.

Q. Did you deliver the \$100,000 in coin to Baez himself?—A. No, sir.

Q. To whom?—A. To the treasurer, Mr. Gibbs.

Q. Treasurer of the Dominican government?—A. Yes, sir.

Q. Do you know whether the \$100,000 were accounted for to the Dominican senate? Have you any knowledge of the fact?—A. I have no information as to what they did with the money. I know that Mr. Perry was there and saw the money counted, and gave me a receipt. The boxes were never opened by me; they were checked off by an officer of the Navy Department detailed from the vessel, and also by one of the Dominican government. There was an understanding between President Baez and Mr. Perry that they should go down and open any number of boxes they pleased to see if they coincided with the invoices; and when the whole number of boxes, according to the schedule, had been placed on shore it was done. Mr. Perry gave me a receipt for the stores, and I think he took a receipt for them; though I do not know that he took a receipt for them, because the treaty receipts for them.

By Mr. HOWARD:

Q. Have you a letter from Mr. Cazneau of May 17, 1870?—A. I have.

Q. Can you produce it?—A. I have it not with me now.

Q. Where is it?—A. At the Executive Mansion.

Q. Will you please produce it this evening if you can?—A. I will ask permission to do so.

By Mr. SCHURZ:

Q. Can you state in general terms what the letter contains?—A. It is a letter written apparently after the trouble that Mr. Perry relates with Mr. Cazneau, and goes on, starting off by making some comments on Mr. Perry, saying he is very energetic, brave, &c., but very irritable, and not calculated for diplomatic intercourse, or something like that. It then goes on to state that he had had some trouble with different people; stated that he had had some trouble with Prime, a citizen there, who had the bank; Mr. Cazneau saying that Mr. Prime

wanted larger privileges than the bank charter granted; that it was opposed by that government, and Mr. Perry would not help him in it, and consequently Prime was dissatisfied. It said that O'Sullivan was dissatisfied because he would not recommend that O'Sullivan should be sent over to Havana to send the telegraphic news to Washington when they feared trouble on the Haytian border. The letter said also that Mr. Perry had applied to the Dominican government for the lease of certain buildings for his friend Scott, from Baltimore, for a hotel, and that, being occupied as a court, they had been refused, but they offered him the adjoining building for a term of years on condition that he should make good the roof, &c., and this had offended him. It said, further, that on this Mr. Perry insisted upon the release of Mr. Hatch, and stated that he had positive orders from his government to demand his release. Cazneau says that he was present at the interview that had occurred, and that Mr. Perry took the ground to the Baez government, as Mr. Perry says, that this man had been tried, sentenced to be hung, and pardoned; but they said that his pardon had not yet been given to him, and the people thought it was better to keep him there than to let him go while this matter was under negotiation. That was the nature of the letter.

By Mr. HOWARD:

Q. You will please produce the letter.—A. I have no objection to producing the letter.

Q. Have you a letter from Mr. Hatch dated the 15th of March?—A. I have a letter from Mr. Hatch; I do not remember the date of it; I can produce it.

By Mr. SCHURZ:

Q. Is that the letter Mr. Ferry asked for?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you receive it here?—A. Yes, sir; here in Washington. (Letter produced.)

Mr. HOWARD. I wish the letter put in as evidence in the case, Mr. Chairman, for the purpose of showing the temperament and animus of Mr. Hatch, and the ease with which he passed from one error of statement into another.

Mr. FERRY. I was about to present a duplicate of the letter. I have read it.

The WITNESS. I have here the original letter as received by me.

By Mr. HOWARD:

Q. What is the date of it?—A. Azua, March 15, 1870.

By Mr. VICKERS:

Q. Is it written from prison?

The WITNESS. I believe not.

Mr. FERRY. It is the day after his release.

The WITNESS. I will read the letter. I sent him no answer to this letter, and I will explain why. Before reading it I will say that he states in it that I was authorized by the State Department to investigate his case or associated with Mr. Perry in some way. I deny it entirely. Mr. Hatch was evidently laboring under a delusion when he was making this charge. The letter is as follows:

"AZUA, March 15, 1870.

"SIR: It has hitherto seemed so improbable that a man educated at our national Military Academy, and attained to the high rank you hold, at so early a period in life, and holding so important and confidential a position by the side of President Grant, could be induced by sordid motives to use the influence of your rank and position to the injury of a fellow-countryman, in a foreign land, an entire stranger to you, when you was under the most solemn obligations, as an officer of our government, to aid and protect him, that I could not for a long time believe what I heard. So long ago as the month of October I received a letter from a friend in San Domingo, in which, after speaking of the combination of certain parties there who were encouraging Mr. Baez in persecuting me, it says, 'And I have it from undoubted authority that General Babcock took on with him the so-called proofs of your complicity in the revolution against the government, to lay them before the President and the State Department, in order to forestall and prejudice your case, and prevent any interposition by our government in your behalf, and this before your trial.' Reliable though the source whence this report came, I was incredulous, and did not notice it or speak of it. More positive evidence having reached me since, which, taken in connection with the acquiescence of our government in the continued persecution of Mr. Baez, leaves me no longer in doubt; and clear and truthful though the whole record seems to be, I would not make a formal complaint to our government, or give any publicity to the affair, without giving you the opportunity to defend or explain your course, although you did not extend the like favor to me. I therefore send a copy of this letter to Senator O. S. Ferry, to whom I applied for assistance, after being more than three months in prison, and seeing that those who were under the most imperative obligations to aid and protect me were using the influence of their official positions to prolong my confinement for the gratification they saw it afforded Mr. Baez and others.

"I have heretofore given General Ferry an account of the atrocious conduct of Mr. Perry, but as I hear he was associated with you as one of the commissioners of the State Department to investigate my case with this government, it is important, for the ends in view, that I should give you some of the principal facts.

"He arrived in San Domingo on the 12th of November. On the 16th Mr. Smith, his predecessor, wrote me: 'I am much pleased with Mr. Perry. I have taken great pains to acquaint him with your situation, and he has promised to stand by you. Write him the same as you would to me.' With this assurance I wrote him a long and confidential letter on the 18th, and sent him copies of such of my letters to Mr. Smith as I happened to have. I explained fully the circumstances of my arrest, trial, &c., and added that Mr. Smith wrote me in October that he had demanded my release, as I had requested him to do, upon the grounds that the decree of the 4th October, commuting the sentence to banishment, was a finality, and that my continued detention is illegal and contrary to the practice of all civilized governments in such cases, and that the government replied that I would be released as soon as the record of the trial had been copied, (a mere pretext to prolong my confinement,) and in order to still further prolong the time the copying was given to a boy, who, acting under instructions, took six weeks to do what could have been done in two days. I know the order was here for me to proceed to the city when the copy should be completed. On the 16th, four days after the arrival of Mr. Perry in the city, a friend of mine, although a confidant of the governor, who was to accompany me to the city on business with me, called and told me we were to embark the next day in the Capotilla. On the evening of the same day he called again and told me that an order had just been received to hold me in prison until further orders. I wrote Mr. Perry all these particulars. The designs of Mr. Baez were now fully revealed. He, with the aid of Cazneau and Fabens, had succeeded by false and malicious representations against Mr. Smith to effect his recall, because he was too honorable and too straightforward a man to enter with them into their intrigues and schemes to defraud our government in the negotiations they were endeavoring to effect between the two governments. It then came out that these artifices had been resorted to to hold me here until the result of the application for the recall of Mr. Smith should be known, and therefore it was decided immediately on the arrival of Mr. Perry to hold me until a peremptory order should be received from our government to liberate me. I wrote Mr. Perry three more letters, the last on the 6th December, but up to this time have not received a line or a message from him. Common courtesy between gentlemen entitled me to an answer to my letters, but his neglect of me, as an officer of our government, whose especial duty it is to protect the lives, the liberty, and the interests of his countrymen, makes his conduct criminal, and I have good reason to suspect him of a breach of confidence in an improper use of my letters, written upon the promises of assistance through Mr. Smith. Although only too truthful, it is my assertions of innocence from the first, to the governor here, and others, and my determination to demand an investigation by my government, and satisfaction and reparation for the wrong doing, that has so alarmed Mr. Baez, and induced him to prolong my detention. A guilty conscience will make a coward of any man. Truth and justice are always consistent; error and falsehood require constant patching.

"And now, presuming what I have heard to be true, that you were one of the commissioners who investigated and approved the conduct of Mr. Baez toward me, I take the liberty of submitting a few questions for your consideration:

"Did you not feel some reproving of conscience while sitting in judgment upon me without giving me an opportunity to be heard in my defense or even informing me of the result?

"Did you see the record of the so-called trial, and if so, was it translated by a person in the interest of Mr. Baez or of me; and do you know that nothing had been added or subtracted from it?

"Did you know that four of the witnesses gave their evidence in prison, in irons; one of whom was tried, sentenced, and executed, after giving his evidence, and before my trial; and that the other three witnesses, who were also examined in secret, were officers in the civil service of the government, and yet rendered, voluntarily and cheerfully, direct and important services to the Cabral party during the three months they occupied Barabona?

"Did you know that, notwithstanding the criminal status of the seven witnesses examined in secret, under an implied, if not an expressed, condition of favor from the government, if their evidence tended to criminate me, yet that nothing was elicited from them more than that I had voluntarily given in my declaration?

"Did you know that it was thirty days after my arrest before I knew anything of the charges against me, and then had only forty-eight hours to prepare my defense?

"Did you know that I was never informed when the trial was to take place, and only heard of it by accident the day before from a friend?

"Did you know that when I heard of the time fixed for the trial that I petitioned for time to send to the city for important papers, and to summons witnesses, it was peremptorily refused, without assigning any reason for the refusal?

"Did you know that the sentence was ordered by Mr. Baez, with the promise of pardon, and that three responsible persons, in the confidence of the governor here, told me the day before the trial that I was to be sentenced to death, but to have no fear, for they could assure

me that I would be pardoned; and that one even told me he had seen the letter from the president to that effect?

"All these facts I communicated to Mr. Perry, and if he did not show you my letters, it only tends to confirm the charges I have preferred against him; and if you did see them, and with the knowledge of all these circumstances you could act the part you did in judging and approving the conduct of Mr. Baez without hearing a word from me, then I must say you ought to have been born in the days of the Inquisition, or, better still, under the government of Mr. Baez, where such things can be done with equal impunity, and which you approve.

"And to still further show the inquisitorial and farcical character of the trial, and that it was nothing but a plot to injure me from the first, on appearing before what was called the court I protested against the trial proceeding; that the government had taken thirty days to prepare the prosecution, taking the evidence of witnesses in secret; that it was but forty-eight hours since I knew of what I was accused, and that it was only the day before I had learned accidentally when the trial was to be had; that I had had no time or opportunity for my defense, and should not make any if the trial was proceeded with then. The trial was ordered without giving me any satisfaction. I did not know who the witnesses were or to what they had testified until their testimony was read over. They were called in to confirm their evidence given in secret, and all appeared except the one who had been executed. The opportunity to question them was offered me, which I declined. The six ignorant men, forming what was called the court, took no part whatever in the proceedings. They had been selected for a special object. The fiscal, or prosecutor, had his instructions from high authority, and he ordered the sentence. Returning to prison after the sentence, my door, which had always been locked and guarded, was never again locked or guarded, and I was allowed to go in and out when I pleased. A few hours after the conclusion of the trial I sent a request to the governor for an interview. He replied that he was ill and could not go out, but I might visit him at his house and without a guard, and I passed through the same street alone, where a few hours before I had passed under a guard of armed men, although *under the sentence of death*. Although the governor had received a letter from President Baez promising pardon *in advance*, and which I found was generally known, yet, for appearance sake, it was necessary to go through the forms of sending an express to him with a petition for pardon. This was drawn up by the governor and signed by me without knowing what it contained, as it was so dark I could not read it when sent to me. It left here on the 2d and arrived in the city on the 4th of October; and on the same day, two days after the sentence had been passed, it was commuted by a decree to banishment, without seeing the proceedings or knowing anything of the facts presented on the trial, except what may have been communicated to Mr. Baez by the governor, a brother of his, previously. Until the day before the trial I had not the most remote idea that Mr. Baez contemplated anything more by the prosecution than to find some pretext for sending me out of the country. Does not all this show most conclusively that the only aim and object of Mr. Baez was to pass the degrading and humiliating sentence of death upon me, which he knew would carry with it the presumption of guilt in a greater or less degree? Why that indecent haste, disregarding all the usual forms of law and justice in setting aside the sentence he had ordered, without reviewing the proceedings on the trial? Too well he knew that he had no justification for the barbarous act; and that he did not then contemplate holding me still a prisoner is evident, or he would have commuted the sentence to a fixed term of imprisonment. He knew that Mr. Smith regarded the whole affair as a cruel and cowardly act, without a shadow of pretext, and that he would not submit to any injustice against one of his country. He knew, too, that he had had the entire confidence of Mr. Seward, and he did not know then that that false and cunning scoundrel, Joseph W. Fabens, would succeed in effecting his recall, and he probably would not have done so but for your assistance. Mr. Baez, knowing what the consequences would be when the truth should come to be known to our government, wished to defer it so long as possible. And he never would have ventured upon so bold and reckless a defiance of law and justice against a citizen of the United States, had he not been encouraged in it by Mr. Casneau and his secret agent, Mr. Fabens, whom he kept going back and forth to Washington. And he has been still further encouraged by the official agents of our government, if not by direct advice and assistance, at least by their connivance.

"Immediately after the trial I requested Mr. Smith to call upon this government for a copy of the proceedings to send to our government, a copy of which letter I sent to Mr. Perry. I have since requested General Ferry to ask Mr. Fish to call for it, with the view of having a thorough investigation by our government. It has made many similar applications to the British government, not one of which was ever refused. I am under no apprehension but that our government will see that full satisfaction and reparation is done me, when they shall come to learn the whole history of my case, and what I have suffered, in person and property, without any pretext whatever. President Grant says but little, but that is well considered before it is uttered. The paragraph in his inaugural promising protection to citizens abroad, native or naturalized, was not without its meaning. I have full faith in his sense of justice, too, and therefore I refuse to believe he knows all that you know of the cruel wrongs I have suffered at the hands of Mr. Baez.

"As I am an entire stranger to you, whom you probably never heard of before your first

visit to this country, it is not possible you could have anything personal toward me, and it is, therefore, very natural for me to ask myself what motive you could have in injuring me. Surely it could not be for the gratification it afforded Mr. Baez and his American counselors, and that alone. Are you not in their grand schemes of speculation out of the past and prospective negotiations with our government? And have you not other speculations in prospect, which induce you to press and encourage the pending negotiations, without considering the interests of the two countries? You certainly would not go so far one side of your line of duty as to encourage Mr. Baez in persecuting me, were it not for the hope of some favor—some reward—directly or indirectly; and these reflections lead me to inquire what object you had in view in the questions you put to Mr. Smith in the month of August as to my character and standing, and as to the validity of the grants I have in the salt mines of Neyba. From whom did you hear of me, and of those grants, and what object had you in inquiring whether they were valid or not? Were your intentions honorable toward me?

"To gratify your curiosity, and at the same time that you may know the origin of my difficulty with Mr. Baez, I will give you a brief history of the acquisition of those grants. I arrived in San Domingo in January, 1863, and after a careful examination of the mines and of the natural facilities for transporting the salt to the sea-board, I applied to the Spanish government, then in quiet possession of the whole country, for a concession of the same. Having been highly recommended by the highest authorities in Porto Rico, who knew me personally, my petition was favorably received and favorably recommended to the home government for approval. Rather than wait there the usual slow action of the Spanish government, I returned home. On hearing of the approval of the home government, I came out again the following winter, and in February, 1864, the Captain General handed me the eight grants, embracing the whole extent of the mines, duly signed. By instructions from my associates I returned home again to assist in organizing a company to work the mines; but before the organization had been completed, we heard of an insurrection having broken out on the north side, having for its object the regeneration of the republic, and it was thought advisable to await the result. The revolution extended and continued, until, finally, on the 1st of May, 1865, the Spanish government passed an act of abandonment, and the evacuation of the country took place on the 11th of July following. It was then thought advisable, though not necessary under the international code, to obtain a confirmation of the grants from the succeeding government, and I came out again for that purpose. It was not until the following December that a permanent government was organized under Mr. Baez. I called upon him immediately, and met with a very cordial reception. He told me he already knew the whole history of the grants and of our projects, and the importance they would be to the government and the country, and that I could count upon his assistance and advice officially and individually; and he added, "You can call upon me at any time without ceremony." I called twice subsequently; on which occasions the subject of the mines was fully discussed, but the validity of the titles never questioned. On the 13th of December, five days after his inauguration, an insurrection broke out at Puerto Plata which alarmed him and warned him of his probable short tenure of office, and of the necessity of making good use of his time. Every project of improvement, therefore, had its price, whatever advantages it offered to the government or country. He soon intimated to me that he thought there might be a question as to the validity of our titles in the salt mines, and, immediately after, a confidant of his advised me to propose an arrangement with Mr. Baez, privately, and have the grants confirmed, to save time. I called upon him the same evening with a mutual friend, and had a private and pleasant conference with him of two hours, at which I proposed to make him a member of the association without bearing any of the expenses that had been, or that might be, incurred before the organization. He seemed much pleased with this at the time, and said he would think it over and let me know after a day or two. *Nothing was said then about the titles being invalid.* After a few days, the insurrection increasing, and seeing he would soon have to leave the country, he sent me word that the proposal would not suit him, and the same confidant of his called again and advised me to propose a sum of money, which I declined, and had no other interview with him. Not long after this he passed a decree annulling the grants upon the frivolous pretense that the Spanish government had no right to issue them when they did. It is evident from this that modesty is not one of his virtues, as he held on to his commission as field marshal in the Spanish army sixteen months after the date of the grants.

"He was forced to succumb on the 29th day of May, when, to avoid violence, he made a hasty retreat to the French consulate, at midnight. On the accession of General Cabral to the presidency, he gave me grants identical with those obtained from the Spanish government. I immediately went to the mines with a competent mining engineer, who carefully surveyed the mines and the contemplated railroad route from the mines to the port of Barahona, and made drawings of the same.

"After the downfall of Mr. Baez there was published a "manifesto," signed by a very large number of the most respectable citizens, giving the causes of the revolution against Mr. Baez, and animadverting severely his conduct toward me in the matter of the salt mines, which I knew nothing of until it was published. His brother, Damian, then in Curaçoa, replied to it in a printed circular, making some false and malicious statements, which the new government requested me to reply to and state the whole facts, which I did.

"Of course they reflected rather severely upon the moral character of Mr. Baez, both for veracity and honesty. And as a correspondent of the New York Times, I was under the necessity of giving a full account of the revolution, its causes, and the character of the parties engaged in it. I did not spare Mr. Baez. Truthful though the account was—and that it was so may be inferred from the fact that neither he, his brothers, nor his friends attempted to refute it—he was, nevertheless, greatly exasperated; as well at my success in obtaining concessions in the mines as for my published accounts reflecting upon his character and his administration; and hence his persecution now when he happens to have me in his power. But however great the provocation in an affair between two private individuals, it forms no justification for cruel, cowardly, criminal proceedings by one whom the other has in his power; and I am sure our government will so regard it when it shall come to know the whole, regardless of its effect upon the pending negotiations.

"Notwithstanding the length of this letter, it would be incomplete for the ends in view were I to omit some facts in the history of Mr. Cazneau, and the cause of my difficulties with him, from the position he holds as counselor of Mr. Baez, and the chief projector and adviser in the negotiations with our government. And your relations with him, too, urge me to this step. On the arrival of Mr. Seward in San Domingo, January 24, 1866, he being expected, Mr. Cazneau was on the watch, and managed to get him to his house before I or any other citizen of the United States knew of his arrival. His motives in his cunning management to have him quite to himself were readily understood. Having always publicly vilified and traduced him, it would not suit him to have any one else present in his conferences with him. As Mr. Seward was in the city but a few hours, he succeeded in preventing any other citizen seeing him. Mr. Cazneau had always been identified with the pro-slavery party, and, during the rebellion, out-spoken in his sympathies with the South, and at the same time he was excessively bitter in his denunciations of Mr. Lincoln and the leading men of the North. Mistrusting from his course on the occasion, he had been asking some favor of Mr. Seward under false pretenses, and believing our government would not appoint a man to office with such a record, I wrote to a friend in Washington, giving a history of his character and antecedents, his unpopularity with his countrymen by his selfish and mischievous course, and mentioned my fears of his designs. Fortunately the letter reached him in good time. Mr. Johnson had just sent in his nomination as resident minister, and the annual appropriations having already been made, a special appropriation was made of \$7,550 for the mission. My letter was handed to Mr. Seward, and he handed it to Mr. Sumner, with the remark that Mr. Cazneau had deceived him. Further inquiry was made, which resulted in his being dropped. That he should not have cause to complain of unfairness, I read the letter to a *then* mutual friend, and requested him to acquaint Mr. C. of its contents, which he did. His disappointment and mortification were greatly aggravated by the prominence given to the affair in the papers. Although he was the aggressor by his ungenerous and ungentlemanly course toward me, I cannot blame him for availing of an opportunity for any reasonable revenge; but whatever may be your relations with him, I think you will agree with me that he was not justified in the cruel and cowardly course he has instigated and encouraged. If you should feel an interest in learning something of the moral character of Cazneau and Fabens, I would refer you to their prospectus of the American West India Company, and the many dupes they made by it in New York. Upon an investment of about \$1,000 in wild lands in this country, they represented they had property to the value of two millions, the capital of the company. They sacrificed hundreds of lives by their false representations; and those who escaped with their lives lost everything; not one remained. Cazneau and Fabens made small fortunes out of the operation. If Cazneau is the more vicious of the two, Fabens is the more dangerous from his greater cunning and excessive duplicity. It is an unpleasant and an ungrateful task to expose the character of others, and is only justifiable in self-defense. That you have been grossly deceived by the false representations of these two men I have no doubt; but still it has only been through the influence of your high position that the evil designs of Mr. Baez and them have been effective. This, together with your *ex parte* investigation and approval, makes you, in a great measure, the chief cause of my sufferings. Notwithstanding all this it would be no satisfaction to me to injure you by a formal complaint or publishing this letter. Revenge is not my object. I have expressed my views and wishes to General Ferry.

"Respectfully, your obedient servant,

"DAVIS HATCH.

"General O. E. BACOCK,
"Washington, D. C."

By Mr. SCHURZ:

Q. Did you show that letter to the President?—A. I did not. I told him I had received such a letter; I did not ask him to read it. I told him I had received a very abusive letter from Mr. Hatch. I want to say that, though he gives me no address, this letter was forwarded, judging from the postmark, from Havana. He gave me no address where it could be answered. Notwithstanding that, I saw the delusion the man was laboring under, and

thought I would write him a letter. I even started in pencil to write to him, thinking I would bring it to Senator Ferry, and ask him to forward it, because he intimated that he would not resort to the press until I had an opportunity to answer him; but the next day, or within a day or two, I do not know the exact number of days, I found a letter published in the New York World, which I thought excused me from paying any attention to this matter. I have the article here.

Q. Have you reason to suppose that this was written by Hatch?—A. Nothing, only the statements it contains in connection with this letter.

By the CHAIRMAN:

Q. Do you judge from the similarity of the documents?—A. Yes, sir.

By Mr. VICKERS:

Q. What is the date of the article?—A. I have not the date of the paper in which it appears, but it is a letter from Havana, dated March 26, published in the New York World. It is as follows:

“THE SAN DOMINGO PURCHASE.

“*Rich revelations promised of the negotiations of Door-tender Babcock with President Baez—The Negro President furious.*

“[From our own correspondent.]

“HAVANA, March 26.

“To-day there are two American men-of-war in port, the one besides the monitor *Saugus* being the steamer *Yantic*, that arrived here on Thursday. I learn from her commanding officer, Captain Irwin, that the vessel will be employed soon in taking sea soundings from Batabano to Santiago, and from that place to Morant's Bay, Jamaica, preparatory to the laying of the Cuba and Jamaica submarine telegraph cable, now on its way from England. The *Yantic* was last from San Domingo, and brought here Mr. Davis Hatch, of Connecticut, the American gentleman who was sentenced by the Baez government to be shot, under the plea that he had furnished aid and assistance to the Cabral insurgents. The sentence was commuted by Baez into one of banishment, but, nevertheless, Mr. Hatch was kept in prison six months before he was allowed to be off, and then he was made to leave so abruptly and quickly that he was unable to settle his business in San Domingo, thus suffering extensive pecuniary losses. The whole proceedings against Mr. Hatch—that gentlemen is prepared to show, and will show to the American Congress, where his case is now under consideration—were most unjustifiable ones, and the charges made basely false. In 1863 he obtained from the Spaniards, who then ruled San Domingo, (and in his capacity as agent of a New York company, of which the Hon. Augustus Schell is president,) a concession of the Neyba rock salt mine. When the Spaniards evacuated San Domingo and Baez became president of the republic for the third time, Mr. Hatch was called upon to have his concession renewed, and Baez himself agreed to the renewal, provided a share of the profits of the mines or a large sum of money, as a bribe, was given him. Mr. Hatch refused to comply with either condition, and the baffled Dominican in revenge declared the concession null and void. Shortly afterward, however, a revolution broke out that ended Baez's third term, after he had been in the presidential chair less than six months, and Cabral was made president, who at once renewed Mr. Hatch's concession. The efforts of Baez to obtain money for a renewal were exposed, and this brought on a newspaper controversy between Mr. Hatch and Baez's brother, General Damian Baez, now private secretary to Baez, in which the coffee-colored Dominican was badly worsted. At the same time Mr. Hatch, who was and is an occasional correspondent of the New York Times, wrote a long letter explaining and justifying the deposition of Baez, which was published entire in that journal, and a copy sent to Baez by his American friend Cazneau, who had become vexed at Mr. Hatch, because the latter had exposed the jugglery practiced upon the then American Secretary of State, Mr. Seward, when that gentleman visited San Domingo City, and so prevented Cazneau from becoming minister resident.

“All these things naturally led the Baez family to hate Mr. Hatch, and when Baez became President in 1868, for the fourth time, he entertained quite hostile feelings against that gentleman, and was more than ready to injure him. Add to this that Mr. Hatch clearly saw through the swindle attempted to be perpetrated upon the government and people of the United States in the lease of Samana and annexation of San Domingo, and was publicly known to be preparing a memorial to the American Congress upon the subject, and is it surprising that the offended Dominican executive, urged on by Cazneau, his counselor *sub rosa*, and by others, should have manufactured a case against Mr. Hatch, in order to crush or silence him? This is precisely what was done. Nothing less, nothing more. But Baez dared not execute the sentence of death, pronounced by his tools that tried and condemned Mr. Hatch, and so commuted the sentence, and then endeavored to still longer drown the man's voice within the four walls of a prison cell. But in this he was finally disappointed. Mr. Hatch is to-day beyond his reach—

a free man, prepared to do some plain talking that will make many others besides Baez rave and swear. One of President Grant's shoulder-strapped attendants, General Babcock, (brigadier by brevet, occasional soldier, occasional secretary, and occasional door-keeper of the White House, late Samana-lesing, San Domingo-purchasing commissioner,) is one of the men upon whom Mr. Hatch will bear the more heavily. His proceedings in the San Domingo treaty negotiations will not only be exposed, but Mr. Hatch will also arraign him to the bar of American opinion for his un-American actions in his (Hatch's) case. While in San Domingo, General Babcock was instructed to investigate the case, but instead of doing so, he contented himself with taking the statements of the negro officials, and did not see or hear Mr. Hatch; and yet, upon this one-sided proceeding, made a false report against the gentleman. Thus he condemned his own white countryman, without allowing him the privilege of defense, in order to please negroes. Well may Mr. Hatch be indignant at such conduct. But when this gentleman will have learned (what his imprisonment has prevented his learning) that the actions of the brevet brigadier were, after all, in keeping with the 'black-and-tan' policy of General Grant—a policy that disfranchises white men and elevates negroes to the American Senate; that overlooks the white man on most occasions, and recognizes the negro as the man of the period—perhaps that then he will not be so indignant at the attendant, and shall call in the attendant for a part of his ire.

"EL CAZADOR."

On seeing that publication, I thought the gentleman had resorted to the press, and I did not feel that there was any necessity for my answering his letter. Therefore I never completed the answer I had commenced, nor did I ever speak to Senator Ferry about the case.

By Mr. HOWARD:

Q. Have you any other documents which you desire to put in evidence?—A. I have some papers which were given to me by the Secretary of the Navy to hand to the chairman of the committee, in reply to his letter calling for documents in that department.

By Mr. SCHURZ:

Q. Do those letters bear on this case?—A. On Mr. Hatch's case. There is nothing said in the letters in reference to myself.

Q. You had better read them.—A. The first is Admiral Poor's dispatch of March 12, 1870, as follows:

* No. 31.]

"NORTH ATLANTIC FLEET,
"UNITED STATES FLAG-SHIP SEVERN, (2d rate,)
"San Domingo, March 12, 1870.

"SIR: I have the honor to state that, in a recent interview with President Baez, he informed me that the British consul at Puerto Plata, (Mr. Farrington,) recently arrived here, stated to him that there was a party at that place inimical to the policy of the United States, in reference to the annexation of San Domingo, principally composed of foreign merchants and consuls; that they had collected a sum of money equal to eight thousand dollars (\$8,000) to supply Generals Cabral and Luperon, who appear to be predatory in character, and ready to espouse the cause of any party that will pay them, and afford them the opportunity of pillaging.

"The Nantasket will be dispatched to Puerto Plata immediately, to inquire into the truth of the report, and to inform the people of that place, who entertain hostile feelings toward the United States, of the determination of our government to protect San Domingo and its present administration; also, to inform them of the naval force in these waters, and its instructions to carry out the plans of the United States government.

"The President also informed me that in consequence of the mischief that General Cabral and his confederate Luperon were disposed and capable of doing on the frontier, he was obliged to keep quite a considerable force stationed at different points, and as it was a heavy drain upon the treasury to support this force, if annexation was delayed, it would be absolutely necessary for him to call upon the United States government for pecuniary aid.

"During this interview the subject of the imprisonment of Mr. Hatch, an American citizen, was introduced. The explanation for the continued incarceration of Mr. Hatch was his connection with parties and presses in the United States hostile to San Domingo, and that he would exert an influence there upon public opinion that would be very detrimental to the interests of San Domingo with regard to annexation. I told him I thought his clemency and prompt acquiescence to the request of the Secretary of State for the release of the said Hatch would exercise a greater influence to his advantage than anything that Hatch or his friends could do with the aid of the press to the contrary. The President consented to order Mr. Hatch's release and to deliver him into my custody. I will send him north by the first opportunity which offers, after he is placed in my hands.

"Very respectfully, your obedient servant,

"C. H. POOR,

"Rear-Admiral Commanding North Atlantic Fleet.

"Hon. GEORGE M. ROBESON,
"Secretary of the Navy, &c., &c., &c."

Then comes his dispatch of March 20 :

"No. 37.]

"NORTH ATLANTIC FLEET,
UNITED STATES FLAG-SHIP SEVERN, (2d rate,) *San Domingo City, March 20, 1870.*

"SIR : I have the honor to inform the department that the day after the Yantic sailed for Havana, a dispatch, of which the following is a translation, was received from President Baez :

"EXECUTIVE RESIDENCE,
"San Domingo, March 18, 1870.

"SEÑOR ALMIRANTE : In an official dispatch received to-day at 6 a. m., the general delegate of the government in Azua states that from the testimony of eight witnesses that have come from that place, he learns that a Haytien commission from Port Principe had arrived at the environs of Neiba, and had brought to Cabral a protest against the national will in favor of the annexation of the country of the republic to the United States, defending themselves by force against the simple countrymen whom they obliged to sign against their wills.

"I think it necessary that you should be informed of this circumstance so that you may communicate it to the cabinet at Washington, which should be advised of the intrigues carried on by the Haytien government—desperate because it cannot manifest frankly its hostility by reason of the protection accorded by the United States government to this government.

"You will understand very well that it will not suffice for the Haytien government to dismount its steamers and restrain its army from attacking the Dominicans, if by underhand measures they still endeavor to ignore the national will, thus violating the good faith which is at the base of all human actions.

"The non-intervention of Hayti required by the government of the United States is absolute and requires a strict neutrality, which prohibits the secret intrigues by means of which that State is endeavoring to give a severe blow to our domestic affairs.

"The government does not at present occupy those frontier places, which are nearly deserted on account of the great difficulty in maintaining there a well-provided force; but at this time it will be a matter of a few days to disperse these bands, who live only by pillage and are sustained by that government which can make use of their depredations.

"I hope that it will please you to send to your government the news of this new Haytien machination, although I did not receive it in time to go forward by the Yantic.

"I take this occasion to renew to you my sentiments of consideration and esteem.
"BUENAVENTURA BAEZ.

"Rear-Admiral POOR,
"Commanding United States North Atlantic Fleet, &c."

"The Mr. Hatch referred to in my communication (No. 31) of the 12th instant was delivered into my custody by orders of President Baez just in time to be furnished with a passage in the Yantic to Havana, and from thence he will be sent to New York.

"Very respectfully, your obedient servant,

"C. H. POOR,
"Rear-Admiral, commanding North Atlantic Fleet.

"Hon. GEORGE M. ROBESON,
"Secretary of the Navy, &c., &c."

By Mr. HOWARD :

Q. Who translated that dispatch of Baez ?—A. This is Admiral Poor's letter transmitting the telegram. It may have been translated by his clerk or some officer of his. That is all Admiral Poor says in regard to demanding his release.

Here is a letter of Captain Bunce, in answer to a very long communication from Mr. Hatch. I have not read the communication of Mr. Hatch.

Mr. SCHURZ. Let us have the whole of it.

The WITNESS. The letter of Captain Bunce to the Navy Department ?

[187, Letter No. 3, second series.]

"UNITED STATES STEAMER NANTASKET, (4th rate,) *At Anchor, San Domingo Roads, February 8, 1870.*

"SIR : I enclose letters received by me from a Mr. Davis Hatch, in confinement at Azua, numbered 1, together with a copy of my answer, numbered 2.

"Immediately on my return to this port I called upon Mr. Perry to ascertain the facts of the case, and found him in receipt of instructions from the State Department in relation to the case, by the mail of the same day, per Tybee.

"Very respectfully, your obedient servant,

"FRANCIS M. BUNCE,
"Lieutenant Commander, Commanding.

"Hon. GEORGE M. ROBESON,
"Secretary of the Navy, Navy Department, Washington, D. C."

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The inclosures are as follows :

No. 1.

" AZUA, January 27, 1870.

" SIR: As a citizen of the United States, unjustly and illegally held here a prisoner since the 28th of August, I beg and implore your assistance in obtaining my release and permission to leave the country, according to a decree of this government of the 4th of October, commuting the sentence passed upon me to banishment.

" In looking over the diplomatic correspondence of our State Department for some years, which I happened to find here, I find a multitude of cases where different governments commuted various sentences to banishment, in every one of which the release was immediate. An explanation of the universal practice with other governments, and a simple request from you to Mr. Baez, would, I am sure, effect my release on those conditions. I, therefore, pray you to use your good offices in behalf of a fellow-countryman who has suffered quite too much and too long already.

" This protracted confinement and suspense, knowing nothing of the reasons for detaining me, or what I am to expect, is far more trying to my mind and my health than though I was guilty of the charges brought against me of complicity in the government of Mr. Baez. I have suffered much of late from a complaint which threatens to become chronic. I, therefore, most earnestly beg and entreat of you not to go away and leave me here to suffer longer.

" If you could favor me with an interview, I am persuaded I could convince you of my entire innocence of any act or deed against the government, and that I am not unworthy of your confidence and assistance, whatever you may have heard in the city to the contrary notwithstanding. "One side of a story is always good until the other is told." If you have heard anything in the city attempting to justify the government in the proceedings which have been had against me, or in still holding me a prisoner, I the more earnestly entreat of you to grant me the interview and hear something from me in my defense.

" Hoping you will grant me the interview asked, and referring you to a hasty and rough account of my position in Barahona previous to my arrest, and again praying your intercession for me, I remain your afflicted countryman,

" DAVIS HATCH.

" P. S.—I wrote Mr. Perry four letters immediately after his arrival, last dated 6th December, neither of which has been answered. His predecessor wrote me, as he was leaving, that he had explained my situation to Mr. Perry, and that he promised him he would protect me, and advised me to write him the same as I had done to him. I therefore wrote him frankly and confidently. This is one of the many mysteries in which my situation seems to be involved.

" D. H.

" The CAPTAIN of the United States ship *Nantasket*, *Azua*."

In this letter is the following inclosed :

" Even though I were guilty of the charges of complicity in the affairs of the government, I am quite sure when you shall come to hear of the *ex parte* and inquisitorial character of the trial, the deception practiced on me, and indecent haste with which it was proceeded with after the accusations were presented to me, that I might not be prepared to defend myself, giving me only forty-eight hours after I knew whereof I was accused, and knowing nothing of who the witnesses against me were, or of what they had testified, until the trial began; refusing peremptorily, without assigning any cause, my petition for time to summons witnesses in my defense, and to send to the city for important papers; I am sure you will not hesitate a moment to intercede for my release. The government took nine days to prepare the accusations; took the declarations secretly of four persons in prison, with irons upon their feet, one of whom was sentenced the day after he gave his evidence, and executed before the trial came on; and the other three set at liberty without trial a few days after giving their evidence, although they had been taken with arms in their hands, and subject to the like penalty if tried. Although a copy of the charges preferred against me was handed me forty-eight hours before the trial, no intimation was given me when it would take place, and I only learned by accident on the afternoon of Thursday, September 30, that it was to take place the next morning, commencing at 10 o'clock, and to continue in session until concluded. I petitioned immediately for a postponement, as before stated, and being refused, I protested against its being proceeded with when I appeared in court, but to no effect. I saw at once that further effort was useless; that the whole affair had been arranged, and the sentence agreed upon beforehand. Indeed, I was told by several persons on the morning before the trial what the sentence would be, but to have no fear whatever, for they knew I would be pardoned. The sentence was given at 2 o'clock on the night of the 1st of October, and commuted by, the government, in the city, on the 4th, to banishment.

" A few hours after the conclusion of the trial I had an interview with the governor, and took the opportunity to repeat to him what I had declared in a former interview, my entire

innocence, and added that the whole proceedings had been *ex parte*, irregular, illegal, and conducted with indecent haste; that the law, if such it could be called, was *ex post facto*, and an attempted invasion of the restraints of international law, which my government would not tolerate when they should come to revise the record. It seems to me now that it is a consciousness of wrong-doing and its consequences that induces them to keep me shut up here as long as possible, that I may not have the opportunity to lay my case before our government; and I am encouraged in this view of the case by the fact that they decided to hold me longer after the change in the representation of our government in St. Domingo. Of this latter fact the evidence is too clear to admit of doubt. Why it should be so I know not.

"My difficulty with Mr. Baez was entirely a personal matter, having occurred while he was out of office and out of the country, in which I was not the aggressor, but aggrieved party. And this having been fully arranged in a personal interview after his return, I had hoped he would not think more of it.

"But the testimony of the four witnesses, though taken while under duress, and though induced by the hope of favor to go as far as possible to implicate me, seeing the designs of the fiscal or prosecutor amounted to nothing more than I gave in my own declaration, which was the occupation of my house by some of the officers of the Cabral party for a short time, and some operations which they carried on in the yard a short time without my permission, but which I stopped by making a breach between the two chiefs. Both parties, however, have always enjoyed equal privileges and secured equal attentions in my house, when first taking possession of the town, until they could make permanent arrangements elsewhere. As I had to look to whatever authority was in possession for protection, I was in duty bound to respect them and treat them with courtesy. When the revolution broke out there in November, 1867, against the government of Cabral, I pursued the same course, which was afterward gratefully acknowledged by General Ramirez Baez, in a letter to the President, dated June, 1868, a copy of which is in the archives of the commercial agency, and I have another with my papers in St. Domingo. I have rendered much greater and more important services to the Baez party than the other; not, however, for any partiality I felt toward them, but in consequence of their necessities. Therefore, to charge me now with having favored the revolutionary party to the injury of the government is ungrateful, to say the least. I have known Barahona to be occupied by first one party and then the other three or four times in one month. In four years' time I have seen six successive revolutions and changes of the government of the country. In all the changes which have heretofore taken place, I have had the respect and confidence of all, until Barahona, after a lapse of more than three months, was reoccupied by the government army under command of General Garcia, on the 23th of August. He, too, occupied my house with his staff, by invitation, and was treated with marked courtesy. An hour or two after he arrived at my house he went out with the chief officers of his staff, without putting any guard in charge, or leaving any orders, not apprehending any mischief; but as soon as he was well out of sight, some forty or fifty of his men, with some subordinate officers, rushed into the house and broke open the store, under the same roof, and carried off every article of merchandise, with other valuables, and then some of them rushed to my room and carried off a portion of my wardrobe; and had not General Garcia, who had heard of the pillage from my clerk, who ran to tell him as soon as the pillage commenced, returned in time, I should not have had an article of clothing left. Although he caught quite a number in the yard with plunder in their possession, he seemed to be so appalled at the number, including some officers, engaged in the plunder, that he was afraid to do more than make a severe reprimand, threatening summary punishment if repeated. After order had been restored, he came to me and expressed his great regret at what had occurred, and added that they were the most villainous and ungovernable set of men he had ever had to do with, and if he punished one he must punish all, including some of his officers. Other houses in town suffered some, but as I was the only one who happened to have a stock on hand, I was the principal sufferer. General Garcia left with his army the next day (15th) and returned on the 17th, and on arriving in town, and hearing that a small band of the revolutionary party was in the neighborhood, he, with what mounted force he had, started in pursuit. As soon as they were well out of sight, a portion of the troops made a rush for my house, which was locked, (everything necessary for house-keeping having been taken away, and my clerk having been sent away, did not think it prudent to sleep in the house after what had occurred; I took my meals and slept at a neighbor's opposite,) broke open the rear doors and carried off what little of merchandise had been recovered on the 14th, and also about 1,500 pounds of wax, and every article the house contained that they thought worth taking away. General Garcia returned after half an hour, and hearing what had taken place, came immediately to me, and said he was much pained and mortified at the conduct of his men; that he had given orders before entering the town to respect all private property, and said he was determined to make a thorough investigation into the affair. The troops were arranged around the square, and after a little while the ringleader who broke open the house was discovered and shot immediately. Order was restored at once. After the execution, General Garcia came to me and said he hoped that the steps that he had been forced to take to restore discipline would satisfy me; that he was not one who would tolerate such conduct in men under

his command. I replied I had already known enough of his standing and character to think otherwise.

"No satisfaction, or even regret, has been expressed by any member of the government for these outrages, and all my papers being in the city, I cannot lay the matter before our government until I am at liberty. I do not, of course, make this statement to you expecting you to take any action in the premises; but for your own private information, and to show what I have suffered in person and property, and still unjustly and cruelly held here when I cannot lay my complaint before my government. It is but a too truthful account of what I have had to pass through.

"I pray you excuse the liberty."

Translation.]

"AZUA, November 7, 1869.

"At the solicitation of Mr. Davis Hatch I have much pleasure in certifying that I have known him intimately during his residence in Barahona, and that he has never taken any part in political questions, nor mixed in any way in the affairs of the country. He has always been on the best of terms with all the authorities, and through them has rendered important services to the present government. And he has always been on good terms with all the people of Barahona and those of other towns in that section; and, in consequence of the respect all felt toward him, nearly all the people of Barahona have been accustomed to take their effects to his house, and as many as could sleep there when there was no authority in town or troops to protect them, and there was apprehension of pillage by people from other towns; and no one ever molested him or any one in his house until the arrival of the government army, under command of General Garcia, on the 14th of August.

"When the troops of the revolutionary party took possession of the town some of the officers went to his house, according to a custom for some years past, when the town has been occupied by our authorities, until they could make permanent arrangements elsewhere. This has been in consequence of the extra size and convenience of his house, and of its central position in front of the square. General Garcia likewise occupied it with all his staff when he took possession of the town in August."

"The foregoing certificate, the original of which I have in Spanish, was given me by the alcalde of Barahona; and subsequently confirmed by the signatures of three other residents of Barahona. As the whole four are strong partisans of Mr. Baez, their motives would not be called in question. I doubt if there is one man from that district who would not have signed it if asked.

"From the first of my residence in Barahona to the 14th of August last, my house has been a sort of asylum for all parties with their valuables. If I had taken any side in the politics of the country, they would not have felt secure there during all the changes which have taken place there in that time."

No. 2.

"UNITED STATES STEAMER NANTASKET,
"Azua, February 1, 1870.

"SIR: I am in receipt of your letter of the 27th ultimo, and at once called upon the attorney general for an explanation of your case.

"He informs me that you were found guilty of conspiracies against the government, and that your case has been considered by the representatives of the State Department of the United States; that I can ascertain from the commercial agent, Mr. Perry, at San Domingo, all particulars, and the action taken by him and the United States commissioners in the affair during their last visit to the island.

"The attorney general assures me that you will be released soon, and, in the meantime that your confinement is of the most lenient description, which is corroborated by the officer of this ship, who called to see you.

"I expect to be in San Domingo in a day or two, and shall make it my first business to inquire into the facts of the case, and shall do for you what I can. Still I must remark, in reply to a large portion of your communication, that your being an American citizen does not shield you from the consequences of any act you may have committed against the law of San Domingo, in which country you chose to take your residence, and by so doing rendered yourself amenable to its laws.

"I am your obedient servant,

"FRANCIS M. BUNCE,
"Lieutenant Commander U. S. Navy, Commanding U. S. S. Nantasket.

"Mr. DAVIS HATCH, Azua."

By Mr. HOWARD:

Q. Mr. Williams put a question which has not yet been fully answered. I should like to hear anything else you have to say about it.—A. I fully answered it, in one sense. Mr. Williams asked me if I had had conversations with Mr. Perry on his return, and if

the interviews were pleasant, &c. I want to say that I had two interviews with Mr. Perry. He came to the Executive Mansion a second time. I do not know exactly how many days after he came back he called at my residence, and then came down to the Executive Mansion, and I met him at the head of the stairway, and we stood in the window and had a little chat. He came and told me he was going around to see senators, and do all he could for the treaty, as I understood him; and he told me he had been to see Senator Sumner and Senator Anthony, and had had a long talk with them. I referred to the fact that Senator Sumner had said there would be a war down there, and he said he had told the senator that with a hundred men he could put it down. Then he told me that he had been to see Senator Ferry, and he said that Senator Ferry was very much opposed to the annexation treaty; that it was a job, or some such expression as that, and accused him of being connected with it. Said he: "He accuses you," and I told him "he ought to have pretty good proof if he was going to accuse men in that way," or some such expression, leaving me to suppose that he had said to Senator Ferry, substantially, "You ought not to make such charges unless you have got the proof;" and he said that Senator Ferry had told him that he had promise of it in writing. I said to him, "I am very glad if he is going to produce any proof in writing, because I have been accused in the newspapers in this way for months, and I have yet to see any proof in writing." I think I explained to him, though I should not like to swear that I did, that I thought Senator Ferry was particularly opposed to this. I said that in the first place he was opposed to it, and had made the statement, when the treaty was presented to the Senate, that if President Grant had used any money in negotiating the treaty he did it without law. It was an accusation against President Grant. My impression is that I explained to him that this money was a contingent fund of some kind. I do not say positively that I said so to him, but I think I said it to him. He asked me whom he should go to see, and I made the remark to him, "You have been to see the enemies of annexation." Said he: "They cannot get anything from me that will be of use against the treaty." I told him, "Very well, go and see them all." He said he would see General Butler and General Banks, and others; and he told me that he had seen some persons whom the President had requested him to see. At this interview I had every reason to believe that Mr. Perry was doing all he could in favor of annexation, and we separated perfectly good friends. I asked him again to give me notes that I might use, as he was passing down the stairs, or something to that effect. I afterward went down to the hotel and called on him, supposing there were perfectly good and friendly relations between us. Soon after a gentleman from New York, by the name of Howe, came to me and said: "Do you know this gentleman, Perry?" I told him that I knew him, that he had been down to San Domingo, and was a very clever man. Then he said: "Well, he is hurting this treaty." I replied, "I guess not. He is in favor of the treaty; he tells me so; he tells me the majority of the people down there are in favor of it, though he says there have been some irregularities; but the treaty prevents concessions being carried out, and they will be null and void if made." Mr. Howe got his information from Mr. Ben Perley Poore.

By Mr. WILLIAMS:

Q. Did you discover, in that interview with Mr. Howe, or suppose you discovered, that Mr. Perry was on the other side?—A. The intimations of two or three friends of mine, in this way, led me to suppose he was unfriendly to the treaty, and unfriendly toward me personally.

By Mr. VICKERS:

Q. But you did not get that impression from any interview or conversation you had ever had with Mr. Perry?—A. No. I called on Mr. Perry afterward at the hotel—left my card. I called twice, in fact, during the evening. The second time I left a card with a memorandum on it that I wanted him to come to the White House and see me. He did not come; and then I wrote a note stating that he had not complied with my request, and asking him to come up and talk with me. Up to that time I had no reason to suppose that Mr. Perry had any unfriendly feelings toward me.

By Mr. WILLIAMS:

Q. There is a paragraph in Mr. Hatch's letter to which I would call your attention: "These were the words, and these reflections lead me to inquire what object you had in view in the questions you put to Mr. Smith, in the month of August, as to my character and standing, and as to the validity of the grants I have in the salt mines at Neyba."—A. I simply asked that question as to the nature of the concession. I had a list of the concessions that had been furnished to the State Department previously to my going down there, and I was making inquiries with reference to what they were, to get as much information as I could.

Q. So as to ascertain whether they were good against the government of the United States?—A. To ascertain if the titles were good and what kind of people were holding them.

By Mr. SCHURZ:

Q. When did Colonel Fabens arrive here as plenipotentiary of the Dominican Republic? Do you remember?—A. I do not remember the date.

Q. Did he call upon you immediately after his arrival?—A. I think he did; I cannot say, however. I know he came very soon after his arrival.

Q. Did you introduce him to the President then?—A. I think he had an interview with the President. An introduction was not necessary—the President had met him before.

Q. Had he any interview with the President at that time?—A. I think he had.

Q. Did he call upon the Secretary of State afterward?—A. I cannot say. I suppose he did; but I do not know. That is my impression; but I do not know the fact.

Q. Do you know whether he had seen the Secretary of State before that?—A. I do not know. I think he saw the President once. My impression now is that he told me he had not been to the State Department.

Q. You are in constant communication with the President?—A. Yes, sir.

Q. You have spoken with him very frequently about the San Domingo affair?—A. Yes, sir. I have all through been trying to act in accordance with his wishes and views.

Q. Did you frequently speak with the President about the Hatch affair?—A. Not a great many times.

Q. Did you speak with him several times about it?—A. I think the subject was mentioned two or three times—I should not like to say how many times.

Mr. SCHURZ. I do not want to go into the President's confidential relations; but I am coming to another point.

The WITNESS. I think I may say, without any breach of confidence, that the first time I ever spoke to him about it was after my return from my first visit, when the papers which I have produced here from Captain Queen were brought there one day to the Cabinet meeting by the Secretary of the Navy, and he, knowing that I had been in connection with the matter of the Telegrafo, called my attention to them.

Q. Do you know of any gentlemen actively connected with this San Domingo business, the annexation treaty, except Mr. Fabens and yourself, who called upon the President?

The WITNESS. What do you mean by actively connected?

Mr. SCHURZ. I mean those who have taken a part in the negotiations and have felt a personal interest in the matter.

A. I have reason to suppose that there are a number of gentlemen in New York interested on the island, but not in connection with the negotiations at all. There was one gentleman, Mr. Coen, who was interested and was here some time, a citizen of San Domingo. Young Mr. Soule, of our navy, came up at one time with a power to ratify the treaty, if confirmed.

Q. Was not Mr. Coen a diplomatic agent of the Dominican government?—A. I understood him to be so; but I never saw his papers. Mr. Soule so introduced him to me. I saw him often here. I had met him in the city of San Domingo, he being a merchant there.

Q. It is likely, then, that the President received his impressions about the Hatch case from those gentlemen?—A. I cannot say where the President got his impressions.

Q. You said that the President expressed surprise at the fact of Mr. Hatch having been released by order of the State Department?—A. I did not say that. I said that the order for the release of Mr. Hatch went without the knowledge of the President, and that he was displeased at that. That was what I said. I did not say that he made any objection to the release of Mr. Hatch.

By Mr. FERRY:

Q. Do you say that he was displeased at the order going?—A. At the order going without his knowledge. I think I did wrong the other night in relating that portion of a private conversation with the President, and I mentioned it only to explain why I had asked certain questions of Mr. Perry.

By the CHAIRMAN:

Q. You did not mean to say that the President was displeased at the release of Mr. Hatch?—A. No; I did not mean to say that he was displeased at the release of Hatch; but was displeased that an order had been sent for such a thing without his knowledge.

By Mr. SCHURZ:

Q. You did say that you had expressed to the President your opinion that Mr. Hatch was guilty?—A. I did; that he was guilty of what he was accused of by those people.

Q. What led you to believe that Hatch was guilty?—A. The only thing that led me to believe it positively was the report of Captain Queen. The other matter was not in the form of proof, in my mind.

By the CHAIRMAN:

Q. You refer now to the clearance of that ship?—A. Yes, sir; the evidence that he had cleared a vessel which our government regarded as a pirate, and that government reported as a rebel vessel, and which I knew had fired into those towns, as Mr. Horan stated. The fact that an American citizen, in a port at San Domingo, not a port of entry of the Dominican government, had given a vessel like that a clearance, I thought was a violation of the laws of the country, and I made a remark like this: That if an Englishman had cleared a rebel vessel from Connecticut, during our war, from a place not a port of entry, I thought he would not have been released when demanded.

By Mr SCHURZ:

Q. Did you in any way study the Hatch case, or inquire into the particulars of it, while in San Domingo?—A. Not to make it any particular study.

Q. Was it your impression that Mr. Hatch was guilty of a general character?—A. It was, up to this evidence that I speak of. This is specific evidence.

Q. Are you not aware that the clearing of that vessel does not appear in the proceedings against Mr. Hatch at all?—A. I do not know anything about that. I did not know then whether he had cleared it or not. I did not know of that before. I have read that record, to which I suppose you refer, and I know now that that circumstance does not appear there. I mean to say, that up to the time I read it the other day, I did not know whether that was in it or not—I did not know whether they had the evidence or not.

Q. Did any member of the Dominican government speak to you about the Hatch case?—A. As I stated before, the subject was once or twice alluded to when I was down there in the first place. I do not remember that any of the officials spoke to me about the case when I was there the last time. I can recall that the first time they did. As I said, the matter was first referred to when the Danish bark *Roto* came in as a prize, and they said had been consigned to this gentleman named Hatch, and then afterward I heard him mentioned in the interview between President Baez and Mr. Smith.

JUNE 14, 1870—7½ o'clock, p. m.

O. E. BABCOCK's examination continued.

By Mr. HOWARD:

Question. I called before for the production of a letter to you from Mr. Cazneau, dated February 19, 1870. Have you that letter with you?—Answer. I have.

Q. Please read it.—A. It is as follows:

"SAN DOMINGO, February 19, 1870.

"My DEAR GENERAL: I regret to say that Major Perry is embarrassing affairs here. He is brave, straightforward, and of immense bodily energy; but, in tact, forethought, and experience, he is a mere child, and is besides under the damaging influence of Prime and O'Sullivan.

"Prime is irritated because I would not assist him in obtaining an unlimited and irresponsible scope for his bank. This government is disposed to be indulgent; but, so far, the bank has not complied with the obligations of its charter, and I cannot loan myself to his dubious speculations,

"O'Sullivan is offended because I could not indorse him as having a paramount influence with our government. I did not approve of their sending him to Havana to telegraph to Washington, doubting the necessity of a special messenger, believing that the communication should go through our consul at Havana, and fearing his extreme vanity would lead him to do more harm than good; and this the judge deeply resents.

"As you must have observed before you left, Perry cannot discriminate between those minor matters which will bear postponement and the higher necessities which cannot wait. His ruling idea now is to obtain the liberation of Mr. Davis Hatch, convicted and notoriously guilty of complicity with Cabral and the Cacos of Hayti in their attempted overthrow of Baez. Hatch is known to correspond with the *New York Times* and other papers opposed to annexation, and this government is resolved to keep him within safe limits until the cause shall be placed beyond the reach of such attacks. Meantime, Baez and his ministers have done everything possible to calm and conciliate our restless commercial agent. He had also asked a lease of the government palacio on the square, with that of the old building next door, for a hotel for his friend Scott, of Baltimore. As the palacio is occupied by the supreme court, &c., the government was obliged to decline the proposal; but offered the fine spacious building adjoining for a term of years, on the condition of restoring the roof, &c., which has fallen in and rendered it uninhabitable.

"This has not satisfied Major Perry, and he renews his demand for the instant release of Mr. Hatch, on the ground that his government had repeatedly instructed him to insist upon it. President Baez said to him, in my presence, that Hatch was indulging in threats against this government, and would certainly make use of his liberty to join the enemies of annexation; that Hatch, though closely watched, was not rigorously imprisoned; that a few weeks' restraint would not be so inconvenient to him as his slanderous statements might become to the success of General Grant's policy in the Antilles; and that Hatch, being a convicted criminal, whose final pardon had not yet been delivered to him, the Dominican executive had the right to consult the exigencies of the situation in detaining him for a time; but that a full explanation of these facts should be sent to President Grant, together with a statement that the United States commercial agent had exerted himself to have the pardon completed. Baez repeated these points to me, and Perry then turned upon me with the accusation that I am more Dominican than American, and that for personal reasons I was opposing the liberation of an innocent man, while I was obtaining pardons for murderers, meaning the poor American sailor whom the Dominican authorities commended to our sympathy. I replied, this was not true, and that I thought President Baez had the right and

ought to do everything in his power to serve and protect negotiations in which our President was so deeply interested.

"Major Perry's want of discretion and self-control was annoying; but it has not, and will not be suffered to check the proper shaping-out of the great business in hand, that is now in the high tide of success.

"I remain truly yours,

"WILLIAM L. CAZNEAU.

"P. S.—I have seen the letter Gautier is addressing our commercial agent on the Hatch affair, and it seems to me just and explicit. President Baez and his ministers desire to be gratefully remembered to you. Mrs. C. also joins.

"W. L. C.

"Gen. ORVILLE E. BABCOCK, &c., &c., &c., Washington."

By Mr. HOWARD :

Q. Mr. Perry says that he demanded the release of Hatch, and that Admiral Poor went also to President Baez's office, and demanded it. Can you throw any further light on that subject?—A. I have no information in regard to it except the dispatches which I read this morning.

By Mr. VICKERS :

Q. Why did you solicit from Mr. J. Somers Smith the letter from Lewis Horan to him relative to the steamer *Telegrafo*?—A. Because I wanted to ascertain what information I could as to the conduct of that vessel. I was told at Samana, in the first place, that this man Horan, an American, had made this protest to the commercial agent, and I asked him if he had any information in reference to the *Telegrafo*, because I was intending to send the *Tuscarora* to hunt her up.

Q. Were you authorized by the Secretary of State to look after the *Telegrafo* or to make any report to him on that subject?—A. No, sir; I was not. I was requested by the Secretary of the Navy to take out those orders and deliver them to the commanding officer of the *Seminole*, and I supposed it to be my duty to assist him in every way I could to capture that vessel.

Q. Did not the son of Mr. J. Somers Smith suggest to you the propriety of sending the *Tuscarora* to Barahona, where Mr. Hatch was confined, the moral effect of which might procure his release?—A. Mr. Somers Smith's son suggested that to me the night the *Tuscarora* reported.

Q. Did he not advise you to interfere for the release of Mr. Hatch, on the ground that his detention in prison was an outrage on the rights of an American citizen?—A. No, sir. To the best of my remembrance, as to the conversation, there was simply an inquiry, or suggested inquiry, of me, whether we had not better send the *Tuscarora* to find the whereabouts of Mr. Davis Hatch, or something to that effect. I told him I would have nothing to do with that, or words to that effect.

Q. Did not Mr. J. Somers Smith complain to you of the arrest and imprisonment of Mr. Hatch, alleging that Mr. Hatch was an American citizen attached to his government and entitled to its protection; and did he not ask you, as an officer of the government of the United States, to use your influence to obtain his release, or to see that justice was done?—A. No, sir. I do not think Mr. Somers Smith ever spoke to me about Mr. Hatch. I do not recall his ever speaking to me about him, except the morning when the consuls called on the President, when I heard what he said to the President, of which I have already given an account. He may have spoken afterward, though he made no appeal to me to use my assistance or influence in that way.

Q. When did you first obtain knowledge of Mr. Hatch?—A. The first remembrance I have of a knowledge of Mr. Hatch at all was the time I spoke of, when the Danish bark *Roto* was reported; that is, to know anything about the man. I had before had a list of concessions in which Mr. Hatch's name appeared, but I did not know who Mr. Hatch was.

Q. At what time was it that you first had that knowledge?—A. I cannot tell exactly, but it was in the latter part of July or the early part of August, 1869.

Q. Had you any conversation with Captain Queen relative to Mr. Hatch; and if so, what was the substance of that conversation?—A. The substance of my conversation with him was this: I related to him, as near as I could, the conversation that had occurred with President Baez, and told him that President Baez had said this man was at Azua and on his way up to San Domingo City, and going to be tried; and I told him it was of no use to send the *Tuscarora* down to Barahona, when this man was at Azua, on his way up to San Domingo City to be tried.

By Mr. FERRY :

Q. Had President Baez told you that he was on his way to San Domingo to be tried?—

A. He told me, as I remember the conversation, that he was at Azua, and was then on his way to San Domingo to be tried. That is my remembrance of the conversation.

By Mr. VICKERS :

Q. Did you tell Mr. J. Somers Smith that he was suspected by President Baez of being in the interest of Cabral, or did you communicate to Mr. Smith that any dissatisfaction existed toward him on the part of Baez or the officers of his government?—A. No, sir; I do not think I ever spoke to him about it.

Q. Did you say or intimate to Mr. Smith that you intended to communicate anything to the State Department at Washington that might prejudice him in that department?—A. No; I did not mention the subject to him.

Q. Did Fabens ask you to represent to the administration at Washington that Mr. Smith should be recalled, or did you make any representation to that effect?—A. I did not ask him to do any such thing; but as to his making any such representation, I do not know. I am not aware that he ever did, however.

Q. Did you ever make any such representation?—A. I made this representation to the Secretary in person that that government believed Mr. Smith was unfriendly to them, and that so far as any negotiation was concerned it was just as bad whether he was or was not; that I would not pretend to pronounce whether he was or was not connected with the Cabral party, or in opposition to the existing government, but so far as any negotiation with those people was concerned, it would be equally bad because they believed he was. I remember making that remark to the Secretary of State, but I preferred no charges against Mr. Smith. That is the only reason I had against Mr. Smith.

By Mr. SCHURZ :

Q. Have you the letter of credence which you took when you first went to San Domingo?—A. I have.

Q. Please produce it and read it.—A. This is the copy given to me; the original letter, of course, was delivered:

"Ulysses S. Grant, President of the United States of America, to his excellency Buenaventura Baez, President of the Dominican Republic :

"GREAT AND GOOD FRIEND: Deeming it desirable to satisfy my curiosity in respect to your interesting country by obtaining information through a source upon which I rely, I have for this purpose appointed Brevet Brigadier General Orville E. Babcock, of the army of the United States, to proceed to the Dominican Republic in the character of a special agent. Having been one of my aides-de-camp while I commanded the armies of the United States, and having since been intrusted by me with confidential business of importance, I have entire confidence in his integrity and intelligence, and I commend him to your excellency accordingly.

"Written at Washington, the 13th day of July, A. D. 1869.

"Your good friend,

"U. S. GRANT.

"By the President:

"HAMILTON FISH,
"Secretary of State."

By Mr. SCHURZ :

Q. Have you the original protocol which you drew up and brought to Washington?—A. No, sir. That is deposited in the State Department.

By Mr. WILLIAMS :

Q. Did you learn in your conversations with Mr. Smith, while you were there, what were his feelings or views on the subject of annexation?—A. No, sir; I never mentioned the subject of annexation to him.

Q. Was there no conversation between you and Mr. Smith on that subject?—A. None. My whole aim was to avoid any one ascertaining that that was my object there.

By Mr. SCHURZ :

Q. Were you not instructed to keep the whole subject of annexation secret; not to talk of it in public?—A. I do not think my first instructions mentioned annexation at all.

Q. Was it not so when you went there the second time?—A. I was instructed to keep it as close as I could. I forget the exact wording.

Q. The understanding was that you should not talk it over in public?—A. Certainly; that I should not make it a matter of public conversation; that I was to keep it as close as I could, and as long as I could. Something to that effect was in the instructions.

By Mr. HOWARD :

Q. Is it usual for negotiators to publish their object in entering into negotiations?—A. I cannot answer. I do not know.

Q. Did you ever know of any such case in history?—A. I should think not.

By Mr. FERRY :

Q. You stated in your examination the other day that you went to the city of New York to embark for San Domingo in July, and that you embarked about the 17th of July.—A. I think it was the 17th.

Q. You had been offered a free passage by Spofford & Tileston.—A. No, sir; I had not.

Q. Who had?—A. Mr. Fish, the Secretary of State, told me that they had sent a letter to him, stating that, if the department wanted to send out any agent, they would give him a passage out and back. I said to the President that if I were going I would prefer not to accept a free passage, giving him as my reasons, that if I did, those people having an interest in the steamship company might feel that they had a right to ask me questions, which I should not want to answer. I therefore asked him if he would not suggest to the State Department either to inform them that the department could not accept the offer, or to let me pay the expenses; and the Secretary of State wrote a letter to Spofford & Tileston to the effect that the government could not accept such an offer, and that my expenses on the steamer, my transportation, &c., would be paid for by sending a bill to the department, or something to that effect. The offer had been made some time before. It was not the original intention to send me to San Domingo, but a gentleman, whose name I do not now remember, had been appointed to go, and had got as far as New York, and I think his trunk was on the steamer, when he was taken sick and gave it up.

Q. Was that gentleman going on Spofford & Tileston's vessel?—A. I understand so; that is my information.

Q. What is the business of Spofford & Tileston?—A. I simply know this: Mr. Fish told me that one of the gentlemen in the house had been on his staff while he was governor of New York, and that it was a very large house. They are large shipping merchants, I think. I believe they have a large China trade.

Q. What business have they with San Domingo?—A. The only interest that I know they have there is this line of steamers, unless it be a fact, as is reported, although I do not know it positively, that they are employed by the Hartmont people as their agents to collect their dues down there. I do not know that that is so; but I suppose the other is true, because their own steamers run to San Domingo and back.

Q. They own a steamship line to San Domingo?—A. Yes, sir; under one of the concessions given for a steamship line.

Q. Concessions given by whom?—A. By the Dominican government.

Q. Spofford & Tileston, then, have a concession from the Dominican government of a steamship line?—A. The concession was not given originally to them. I do not know to whom it was given at first, but it has been transferred to them and they own the line, as I understand.

Q. Did they own it when they offered to take an agent of our government to San Domingo free of expense?—A. I suppose they did.

Q. How long was it before you went that they made that offer?—A. I do not know the date.

Q. Do you know how they happened to be informed that our government contemplated such a thing as sending an agent to San Domingo?—A. I do not know.

Q. You met at the office of Spofford & Tileston, in New York, on the 17th of July, Mr. J. W. Fabens?—I think it was in their office that I first met him.

Q. Had you known him before?—A. No; I had never seen the gentleman before I met him in New York at that time.

Q. Do you know whether he had been in Washington before?—Yes, sir; A. I know now that he had been, but he had not been here when I was here. I was absent from the city when the President made up his mind to send me there. I had gone away expecting to be absent the remainder of the summer. I was telegraphed to to return here, and on receipt of the telegram I returned. I think I arrived here on a Tuesday evening and left so as to sail the next Saturday.

Q. I am now inquiring as to Mr. Fabens's presence in Washington. You had been informed that he was here before you left?—A. Yes, sir.

Q. By himself?—A. No, sir.

Q. Was the fact that he had been here before alluded to in conversation between you and him on your voyage?—A. Oh, yes.

Q. Do you know, by information from him or otherwise, or from the State Department, that he had prior to your departure been to the State Department in connection with this project of sending out an agent to San Domingo?—A. I do not know that he had been there in reference to sending out an agent.

Q. Do you know in what way he had been there?—A. He told me that he had been here in connection with the matters of San Domingo, representing the matters of San Domingo to this government—I do not mean as commissioner, but in business from that government to our government here.

Q. He had been here representing Dominican matters to our government?—A. That is what I understood him to say.

Q. Did you understand from him that it was in consequence of those representations of his that you were sent out?—A. I do not know that he ever told me that; but I inferred

from the information I received that he was one of the sources from which the information came that led to this. That is my impression.

Q. Were you informed, or are you now informed in any way, of the concessions or grants Mr. Fabens had from the Dominican government?—A. I do not know of but one grant.

Q. What was that?—A. It is in the list known as the surveying grant—a grant for a mineralogical and geological survey, &c. I do not know the exact title. It is in the list of concessions.

Q. It conveys mining titles, does it not?—A. Something of that kind.

Q. Were there any land grants that you are aware of to Mr. Fabens?—A. I know of no grants to Mr. Fabens except this one.

Q. Do you know of any to Mr. Fabens in connection with others besides this one?—A. I do not.

Q. Or have you any information of any?—A. No; I am not aware that he owns any concession; still, I would not like to say that he does not. I mean that I do not know of any.

Q. Are you aware of any other business interests, besides the mining grants and privileges of which you have spoken, that Mr. Fabens had at that time in San Domingo?—A. I remember his saying that he previously had been in business there as a merchant. I do not know whether he has any interest in it now or not; but he told me that he had been with a company working a copper mine. I remember his telling me that, in order to get the copper down to the place for shipping, they had brought some camels over there, and brought them down and packed the copper on them.

Q. Are these all the interests you are acquainted with, by information or otherwise, which Colonel Fabens had there?—A. Yes, sir.

By Mr. SCHURZ:

Q. Did you not say to-day that Colonel Fabens had certain business interests at Samana?—A. He is there now, as I understand, as agent for Spofford, Tileston & Company, but I was not aware of that when I went down there.

Q. He had, however, when he went with you to Samana in December?—A. Yes; I understood him to be going there then as the agent of Spofford, Tileston & Company.

By Mr. FERRY:

Q. You also met Mr. O'Sullivan, and he went on the same vessel with you?—A. Yes, sir.

Q. Do you know by information, or otherwise, whether Mr. O'Sullivan had or has any grants or concessions there?—A. I am not positive that he has any. I simply inferred that he was looking after some concessions of some kind, but I did not know what they were. My impression is that it was in regard to a railroad; and what makes me think so is some remark he made, as we were leaving that day, that he had not got his business made out, and was not going to return. He remained over. He never communicated to me any of his business transactions.

Q. A gentleman by the name of Hennen went with you on the steamer; do you know whether he went as attorney or agent for anybody else?—A. I do not know; but I simply inferred that he went as a sort of attorney with Mr. O'Sullivan. I do not know that; I simply know that he was a young lawyer. I made his acquaintance on board the vessel, and he told me he was a lawyer living in New York, but he never told me his business in San Domingo. I do not know even that he was in the employ of O'Sullivan; I only thought so inferentially; he was with him.

Q. On your arrival you found that President Baez was at Azua?—A. Yes, sir.

Q. Who procured the services of the steamer Tybee to go to Azua?—A. I did.

Q. Of whom?—A. Of a clerk of the house of Spofford & Tileston, who went down on the vessel, a Mr. Ringwood. It was arranged between him and the captain of the vessel.

By Mr. HOWARD:

Q. What was this Tybee?—A. The name of the steamship we went down on.

Q. Did it belong to the Spofford & Tileston line between New York and San Domingo?—A. Yes, sir.

By Mr. FERRY:

Q. Did you see Mr. Smith, the commercial agent, before you went to Azua?—A. I think I called on him the evening before.

Q. How long an interview did you have with him on that occasion?—A. Very short. It was a mere call.

Q. During that interview was anything said about Mr. Hatch?—A. No, sir.

Q. Or about Mr. Horan?—A. I do not remember the name of Horan ever being mentioned to me by Mr. Smith.

Q. You have spoken of a Danish bark, the Reto. Were you informed whether she was owned in St. Thomas?—A. I do not know anything about that. I say that she came in, as they said, as a prize, having been captured going into the port of Barahona. That was simply what they told me.

Q. Your language in your previous testimony was "that she had been consigned from St. Thomas to a gentleman by the name of Hatch."—A. Yes, sir, that is what they reported to me. I do not say so.

Q. You said that the consignors lived at St. Thomas, and Mr. Hatch was consignee at Barahona. Was that your understanding?—A. My understanding was that the vessel had been chartered at St. Thomas, and sent down to Barahona. I so understood from what was said to me.

Q. You said "she had been consigned from St. Thomas."—A. They so informed me.

Q. Did you infer from that that the owners of the vessel lived at St. Thomas?—A. I did not make any inference. I did not know where the owners of the vessel might live. I did learn afterward where the vessel was owned, though.

Q. And you say that the fact that she was consigned to Hatch "was the first knowledge" you ever had "in reference to there being such a person as Mr. Hatch?"

The WITNESS: Are those my exact words?

Mr. FERRY: Your words were "that was the first information I ever received in reference to there being such a person as Mr. Hatch."

The WITNESS: Did I say "the fact that she was consigned to Hatch was the first information?"

Mr. FERRY: After stating that that had been told to you, you said what I have just read, "that was the first information," &c.

The WITNESS: They claimed that this vessel had been consigned to Mr. Hatch, and that they had intercepted munitions of war, correspondence, &c., going to the rebels; and that is what first brought up the subject of Mr. Hatch.

Q. What you have been stating immediately preceding this language is entirely about the Danish bark Roto. You say, "Going back to the time of the discussion, some time during the month of August, one day a little man-of-war came in with a prize, as they represented it, of the Danish bark Roto;" and you go on and state that she was consigned to Hatch, and then you say, "This is what was represented to me; and that was the first information I ever received in reference to there being such a person as Mr. Hatch;" and you say this was some time in the month of August?—A. The latter part of July or the month of August; I do not know which.

Q. You now qualify your former remark, and say it was either the last of July or about the first of August?—A. Yes. I cannot be certain as to the exact date when the vessel came.

Q. But you are certain that that Danish bark Roto was the first circumstance in which the existence of Mr. Hatch was brought to your knowledge?—A. By anything there.

Q. Where else had Mr. Hatch ever been brought to your knowledge before that?—A. As I say, I had a list of concessions.

Q. That only?—A. That was all. I did not know anything about the man. What I mean is that this was the first I knew of a person named Hatch being there. I did not know before but that the man Hatch who had the concession might be in Europe.

Q. At the time when the Roto came in, was it then that they told you that Hatch was a man who had joined the Cabral party in opposition to the government, and that this vessel had on board munitions of war?—A. That was the time they told me.

Q. Now, whom do you mean by "they"?—A. I cannot tell you which one; it was some of the Dominican officials at the President's.

Q. Who, at that time, interpreted to you what the President said to you?—A. General Cazneau.

Q. If, then, it was President Baez who gave you this information, it was interpreted to you by Mr. Cazneau, was it not?—A. If it was General Baez, or if it was Mr. Gautier, it was interpreted by Mr. Cazneau.

Q. It was the information that Mr. Hatch was a Cabralista came to you, by interpretation at any rate, through Mr. Cazneau?—A. Yes, sir; the account there that he was with that party, and that this vessel was consigned to him, came through Mr. Cazneau, as interpreted to me.

By Mr. HOWARD :

Q. Was the interpretation made in the presence of Baez?—A. I say I cannot tell whether it was President Baez or Mr. Gautier, or who it was; I do not remember which officers were present, but some of the officials.

By Mr. FERRY :

Q. You say that "soon after, on the morning of the 22d of August, I think * * Mr. J. Somers Smith, United States consul, came in with the other consuls to pay respects to the President," and you proceed to narrate a conversation that then occurred about Hatch. Might it not have been on the 29th of August, a week later?—A. I think it was on the 22d of August. The 22d came on Sunday. I remember it by that.

Q. But the 29th would also be on Sunday?—A. I think it was earlier than that. If it was the other, it would have been but a few days before I sailed. I think I am right about the date.

Q. It appears by the record that Mr. Hatch was put under guard on the 28th of August, and the order for his arrest, signed V. Ramirez Baez, is dated Azua, August 30, 1869, which states : "Mr. Davis Hatch, a foreigner, is found culpable of participation with said faction against the

legitimate government. In consequence thereof his imprisonment has been ordered, and he actually finds himself on board the schooner of war *Alta Gracia* as such." I ask you if this might not have been Sunday, the 29th, instead of Sunday, the 22d of August?—A. It is a possibility, but my firm belief is that it was not the 29th, and that it was the 22d. The only point I have to fix it positively is that it was a Sunday morning.

Q. Do you know what Mr. Baez referred to when he told Mr. Smith that he had allowed Mr. Hatch to go back on Mr. Smith's representations?—A. I supposed from the conversation he meant that he allowed him to go back to that island, as I understood they had had trouble before, and Mr. Baez allowed him to go back to the island as a resident or representative of this salt company. That was the impression I formed.

Q. You have stated that on that same day after Smith went out you warned President Baez that he must be certain that he was right in the question of law if he tried Mr. Hatch?—A. Yes, sir.

Q. You stated: "Once or twice during the conversation he referred to Mr. Hatch, and to the part that Mr. Smith, in the interest of Mr. Hatch, had taken." Had you heard that Mr. Smith had taken any part in regard to this arrest at that time?—A. No, sir.

Q. Did that refer to the former occasion?—A. That referred to the former occasion, I think. It referred also to the fact of his being allowed to come back. That was my understanding.

Q. You say further: "And I invariably answered in that way; that if he had any charges against Mr. Hatch he must make them out in writing and send them to the State Department, in Washington." Did you tell President Baez that?—A. Yes, sir.

Q. You say further that you told President Baez that you "had no authority to treat on any such case whatever."—A. Yes, sir.

Q. This was on your first visit?—A. On my first visit.

Q. On that same visit did the minister of justice or a judge of one of their courts bring to your knowledge the case of another American who was imprisoned?—A. Yes, sir.

Q. Did you decline to interfere in his case because you had no such authority?—A. No, sir.

Q. What made the distinction between the cases of these two Americans?—A. One had been arrested, as represented to me, and tried, and sentenced for a certain crime.

By Mr. HOWARD:

Q. What was the crime?—A. The crime of murdering a sailor. The other had been arrested for a political offense and had not been tried at all, as I understood then, but was going to be tried.

By Mr. FERRY:

Q. That made the difference?—A. That was the difference.

By Mr. SCHURZ:

Q. When you came back to San Domingo in November, Mr. Hatch had been sentenced to death, and his sentence had been commuted to banishment, as you understood; had it not?—A. That was the understanding when I reached there.

Q. Was there then any difference between the case of that sailor who had been convicted of murder and sentenced, and the case of Mr. Hatch, as to their having been tried and sentenced?—A. Only this, that one had been sentenced and the sentence had been commuted to banishment, and the other had five years to serve, as represented to me, with a ball and chain, in a prison there, and to support himself.

Q. You said on a former occasion that the reason why you did not interfere for Mr. Hatch was that you considered him guilty.—A. When I went back in November I considered him guilty.

Mr. HOWARD. I did not understand the witness to say that he did not interfere because he considered Hatch guilty.

The WITNESS. No, I do not think I said that; I said I should not interfere in any such matter; and I said that from the report I had seen of Captain Queen's, I felt convinced that the man had been connected in that matter, and I thought I would have nothing to do with it.

By Mr. SCHURZ:

Q. Did you consider that sailor, who was convicted of murder, innocent?—A. No, sir; I never supposed he was innocent.

By Mr. WILLIAMS:

Q. You stated that you acted in reference to the matter of that prisoner confined for murder, upon the application of the chief justice of the Dominican Republic. I understood you to say that he came to you and requested you to take action about the matter.—A. He sent a message, through General Cazneau, to me, saying that this man was there and representing the case, and that he hated to have an American there in prison with ball and chain, &c.; that he thought he was a good man, and if I would interest myself in him he would prefer to get him pardoned.

Q. Was that the message which came to you?—A. Yes, sir; and it came to me through General Cazneau, from the chief justice of the republic.

By Mr. FERRY:

Q. Did you have any further conversation with Mr. Smith about Mr. Hatch after this interview at President Baez's?—A. I do not recall one. The subject may have been spoken of by Mr. Smith to me; but I do not recall the conversation. Young Mr. Smith, as I said, spoke to me on the night of the arrival of the Tuscarora.

Q. That was on the second of September?—A. I should not like to be positive as to the date; but she came in a few days before I went away.

Q. You stated before, that she appeared on the evening of the second of September?—A. That is the best of my memory. That is a matter that can be found exactly from the records of the Navy Department. I do not remember the exact date with certainty.

Q. You stated that on that occasion Mr. Smith, the son of the commercial agent, wanted to know if you did not think it would be a good plan to send this vessel, the Tuscarora, down to Barahona, where Mr. Hatch was, and you replied, according to your testimony, "I told him that Mr. Hatch had been interfering with the rebellion in that country, and that I should have nothing to do with the case."—A. Yes, sir.

Q. Did you give him any other reason?—A. I do not think I did.

Q. Did you believe that reason to be true at that time, the second of September?—A. I had nothing only the report of President Baez, and those people to me that he had been arrested, &c.

Q. Did you believe that report to be true when you made that reply to Mr. Smith, the son of the commercial agent?—A. I had nothing on which to base it, except the information that they had given me that it was so. I had never seen any of the evidence in the case.

Q. Then the representative of this country on the one side was asking you to intercede for an American citizen imprisoned by the Dominican government?—A. No, sir; he was asking me to send a man-of-war to Barahona for this man, Mr. Hatch.

Q. And you said you would have nothing to do with the case?—A. Yes, sir.

Q. Because Mr. Hatch had been interfering with the rebellion in that country?—A. Yes, sir.

Q. So that your declaration was absolute. Upon the request of the representative of our government that you should do something, you said that you would do nothing?—A. Mr. Smith was not the representative of our government.

Q. Was he not the son and clerk of our commercial agent?—A. I do not know that he was clerk; he was the son of the commercial agent.

Q. Did he not do the work in the office of the commercial agent, copying, translating, &c.?—A. I do not know about that. He had a right to do the visiting of vessels for his father.

Q. Then he acted for his father in some capacity?—A. Yes, sir.

Q. The representative of this government was asking you to do something for an American citizen imprisoned, and you told him you would do nothing?—A. No, sir; the gentleman wanted me to send this man-of-war to a certain place to look after the whereabouts of Mr. Hatch, or something of that kind, and I told him I would not have anything to do with it. If Mr. Hatch had been interfering with matters in that country I would not have anything to do with the case. As I said before, I did not want to tell him where I was going to send the Tuscarora.

Q. You told Mr. Smith, the son of the commercial agent, that you would have nothing to do with the case. When you told him that, had you any information upon which to base that declaration except what you had learned from the Dominican government, the very party complained of?—A. No, sir; I did not know anything about it, except that, at that time.

Q. You took, then, the statement of the Dominican government, the party complained of, and made no effort to see or hear from Mr. Hatch?—A. Because they told me he was under arrest, and up there on his way to be tried.

Q. You think they had then told you that he was coming to San Domingo?—A. Yes, sir.

Q. Do you not know that they deceived you in that respect?—A. I do not know whether he was ever brought to San Domingo or not.

Q. Did they tell you that he was to be brought to San Domingo?—A. My understanding of what they told me is, that he was then on his way from Azua to San Domingo City to be tried; but I do not know that he ever did go there.

By Mr. SCHURZ:

Q. When you told President Baez that he should be well assured of the legal points in the case of Mr. Hatch before he proceeded with him, according to your testimony, was that on the same Sunday when Mr. Smith with you visited President Baez?—A. Yes, sir; I think it was the same day.

Q. Was not Mr. Smith present at that conversation?—A. No, that was after Mr. Smith had gone out. I remained after his conversation.

Q. And Mr. Cazneau interpreted for you what was then said?—A. Yes, sir.

By Mr. VICKERS:

Q. Did you understand, at your first visit, that Mr. Hatch was a very respectable man, a man of intelligence, and position, and standing?—A. I never heard anything to the contrary. I had every reason to suppose he was.

Q. Did you understand that?—A. The only information I had of that kind was what Mr. Smith remarked at the President's house. He made the remark that Mr. Hatch was a man of good standing, a correspondent, I think he said, of the New York Times. I had every reason to suppose that he was what he was said to be.

By Mr. FERRY:

Q. I wish now to call your attention to the Horan letter, which you have presented, dated June 14, 1869. You asked Mr. Smith for that letter on the 1st of September, 1869, as appears by the date of his indorsement?—A. Yes, sir.

Q. You add: "The fact that this letter had not been forwarded to the department, and that no attention had been paid to it, led me to think that Mr. Smith perhaps had sympathy with the Cabral party." How did you know that no attention had been paid to it?—A. I knew it simply because I called on Mr. Smith and he told me so.

Q. Smith, the father?—A. Yes, sir; the father.

Q. Did he tell you that he had paid no attention to it?—A. He told me that he had received the letter and regarded it as a personal matter, and paid no attention to it.

Q. Did he inform you what became of Mr. Horan?—A. I do not think he did.

Q. Did he tell you that Mr. Horan called upon him and told him that this was a mistake?—A. No, sir; I do not think he mentioned any such thing to me.

Q. And that this matter had been arranged long before that?—A. No, sir; I never heard that it had been.

Q. You found, then, simply this letter from Mr. Horan on file?—A. No; It was not on file; it was in his desk.

Q. At any rate, you found it, and he said he regarded it as a personal matter?—A. Yes, sir.

Q. Did you make any inquiry of him what had become of Mr. Horan?—A. I did not.

Q. The letter speaks of Mr. Horan as being imprisoned on board a steamer. Did you inquire whether he was still imprisoned?—A. No; I knew he could not be, for I was in Samana, going through, and no such vessel was there.

Q. What was your object in getting this letter?—A. Simply to get what information I could as to the conduct of that pirate vessel we were after. I understood the commanding officer had fired through Mr. Horan's place. I understood that when we went through Samana—I do not know who told me—and that he had made protest. I cannot say who told me. There were two or three Americans then living there, and it may have been some one of those. When Captain Queen was going over there I wanted to give him all the information I could in reference to her conduct, and I did not know but that this letter had been forwarded to Washington when I first went over to Mr. Smith.

Q. Did you forward it to Washington?—A. I gave it to Commander Queen, who went over to Tortola, and he sent it forward to Washington with his report.

By Mr. VICKERS:

Q. Did you tell Captain Queen that Mr. Hatch had been guilty of aiding the rebellion in Dominica?—A. I told him that the government informed me that he had been, and he then was under arrest at Azua, and on his way up to San Domingo City to be tried, and it was no use sending the Tuscarora down to Barahona when he was at Azua. I think that was what I told him.

By Mr. FERRY:

Q. When did you first see the dispatch of Captain Queen, containing this language in his report to the Navy Department?—A. I cannot tell you the day; it was after my return to Washington, and before I went down to San Domingo the second time. I do not remember the exact date of it, but it must have been some time in October. I think it came up in the mail from St. Thomas.

Q. Where is Captain Queen?—A. I do not know. He is stationed in the navy somewhere.

Q. That evidence respecting Mr. Hatch you obtained after your return home and before you went back the second time?—A. Yes, sir.

Q. So that when you went back the second time, if I understood you aright, you were convinced of the guilt of Mr. Hatch?—A. Yes, sir, I became convinced of his guilt.

Q. This remark of Captain Queen convinced you?—A. That evidence of Captain Queen. I looked all through the report of Captain Queen in reference to the vessel Telegrafo, and found this summing up at the end of his report.

Q. Was there anything else about Mr. Hatch in it?—A. I do not think Mr. Hatch's name was mentioned; but it was as to the conduct of the vessel.

Q. Had that vessel ever had another name?—A. Yes, sir, she had been called the Res toracion, or some other name.

Q. Was she, when called the Restoracion, a foreign vessel?—A. I do not know. I do not know what she was called before. I only know her name from the orders given from the Navy Department.

By Mr. SCHURZ:

Q. You say that in Captain Queen's report Mr. Hatch's name did not occur at all?—A. I do not remember any place where his name is mentioned except as to the bill of health.

By Mr. FERRY :

Q. Captain Queen's report says: "The only paper which the vessel was enabled to exhibit at Tortola was a bill of health furnished by one Hatch, an American, at Barahona, a Dominican port, not a port of entry." Did you ever see that bill of health?—A. No, sir.

Q. Do you know whether Captain Queen ever saw it?—A. I do not.

Q. Do you know of anybody who ever saw it?—A. I do not know personally of anybody who saw it. Captain Queen's report has the certificate of some officer that she only had certain papers coming from there; so I suppose he must have seen it.

Q. There is nothing where Mr. Hatch's name is mentioned except this little passage I have read from Captain Queen?—A. Not that I know of.

Q. You never saw it and you do not know that Captain Queen ever saw it?—A. No.

Q. Do you know anything about the date of it; how old it was?—A. Only those words.

Q. And upon these four words "furnished by one Hatch," without knowing the date of this bill of health, or knowing anybody that had ever seen it, you came to the conclusion that he was guilty?—A. No, sir. I came to the conclusion that he had cleared this vessel from that place, in connection with the other reports that had been made to me.

Q. What reports?—A. What Baez and those people had told me, and this in connection with that. I was not examining these papers to find anything about Mr. Hatch. It was purely accidental that I discovered this reference to him. I was looking only as to the *Tel-egrafo*. I was anxious to have that vessel overhauled and thought that Captain Queen would probably get a prize.

By Mr. SCHURZ :

Q. Had Baez told you anything of Mr. Hatch having given a bill of health to this vessel?—A. No, sir.

Q. How did you know, then, that the giving of a bill of health to this vessel was a criminal act?—A. I know that for a foreigner to give a bill of health to a vessel, that being the only paper she has, so as to let her clear from a place not a port of entry, would be a crime in our own country; and I suppose, of course, it would be there.

By Mr. FERRY :

Q. Are not a clearance and a bill of health two different things?—A. I think they are.

Q. What is a bill of health?—A. I cannot give you the exact form. I simply know it is one of the papers a vessel is required to have.

Q. By what authority is it signed in a port of entry?—A. I do not know.

Q. Is there any authority whose duty it is to sign a bill of health?—A. I suppose there is. I am not positive about that.

Q. What does the bill of health state?—A. I cannot give you the form.

Q. Did you ever see one?—A. I think I have seen them on board vessels, but I could not give the form or nature of such a bill. I simply believe it is one of the papers a vessel is required to have, in order to identify her, and in order to give her entrance, or whatever it may be, to a port. We speak of a vessel's having a clean bill of health, or having accounts of fever or disease, &c.

Q. Did you ever tell Cazneau that you did not wish to have anything to do with the Hatch case?—A. Not unless it was in the presence of Mr. Baez, or something of that kind, in conversation, he acting as interpreter.

Q. Did you ever tell Mr. Baez that you did not wish to have anything to do with the Hatch case?—A. I cannot tell exactly what I said, except, in that conversation, that I was not going to interfere with this matter; that he must be very certain he was right; that the law was on his side, or something to that effect; and that our government probably would not interfere.

By Mr. SCHURZ :

Q. You said to him that our government probably would not interfere?—A. If he was right, but that he must be very certain that he was right in the matter. I supposed so, thinking then that he was going to bring the man up and prefer charges against him and have him tried; and I felt that if he was right in the trial, and if the man was guilty, our government would not interfere. That was the idea in my mind, and I so expressed it to him.

By Mr. HOWARD :

Q. And that was your conviction?—A. That was simply my conviction.

By Mr. FERRY :

Q. After your return from your second mission, when did you first hear of Mr. Hatch subsequently?—A. I think the first I heard of Mr. Hatch on my return was a letter that I received from General Cazneau, to the effect that Mr. Hatch was being tried, and would probably be detained some time as a punishment.

Q. Have you that letter?—A. I think I have it at the Executive Mansion.

By Mr. SCHURZ :

Q. What was its date?—A. Some time in September.

By Mr. FERRY:

Q. That was in the interval between your first and second mission. I am inquiring as to what you heard after you came back the second time.—A. That was the only time the case was mentioned to me in that way.

Q. I will waive that to go back to this letter that you received in the interval between your two visits. You say that in that interval you received a letter about Hatch from General Cazneau?—A. A letter in which he mentioned the Hatch case.

Q. And said he was on trial?—A. Yes, sir.

Q. Be good enough to look up that letter and bring it here in the morning.—A. I will do so.

Q. Did you receive any other letters about Mr. Hatch, in that interval, from anybody else?—A. I am not aware that I received a word.

Q. Upon your return after the completion of the treaty, from whom did you first hear of Mr. Hatch?—A. I do not remember of ever hearing of Mr. Hatch again until the letter that I read to-night from General Cazneau of February 19, 1870.

Q. Did you receive a letter from Mr. Felix M. Delmonte, containing an article which he wished to have you get published in the northern papers, in which Mr. Hatch was spoken of?—A. Not that I know of; if I did receive it, it was untranslated, and was sent to the State Department for the purpose of being translated, and I never saw it afterward except the other night here when it was produced by Secretary Fish. I remember that he said he supposed it was addressed to me. I have no remembrance of ever seeing the paper, and I think there is something in its expressions which would indicate that it was not sent to me.

By Mr. SCHURZ:

Q. What was that?—A. I refer to an expression in the letter transmitting the article. I never read the letter; it was in Spanish, and was sent, I suppose, to the State Department for translation. I never saw the document, and did not know of the document being there. They never sent me back the translation of it.

By Mr. FERRY:

Q. Did you not try to read it in the original Spanish?—A. No, sir. I do not read Spanish well enough to read it accurately.

Q. Do you recollect its coming to you at all?—A. I have no remembrance of its being forwarded to me, though it may have been sent to me in the mail. We send a great many letters to the State Department to be translated, and they are returned to us without any particular record being kept as they go, except a mere memorandum. As I say, I never saw the translation of the document.

By Mr. SCHURZ:

Q. After having read this short letter which I translated (to be found on page 61 of testimony) have you not come to the conclusion that it was addressed to you?—A. I think now that it was. I think so from the expression about Generals Ingalls and Sackett. What made me think it was not addressed to me—and I am inclined to think so yet when I come to read it—is the expression: "I wish you may have a good trip." Mr. Delmonte could not be wishing me a good trip on the 8th of February, for I had arrived home about the 20th of December. That was the point in the letter which made me think it was not addressed to me. The only thing that could make me think it was addressed to me is the fact that it is addressed to a general and asked me to give his kind regards to Generals Ingalls and Sackett. It may have been sent to me.

By Mr. FERRY:

Q. Did you know at any time from your return to San Domingo on your second trip up to the liberation of Hatch, that Baez and Gautier were keeping him detained in order to prevent his influencing the minds of the people in the United States by writing for newspapers, or anything of the kind?—A. No, sir; I never knew that, or had any idea they were detaining him for any such purpose, until this letter from General Cazneau, dated February 19, 1870.

Q. What did you do with that letter?—A. I told the President of the receipt of the letter. It was received here in March. I think the Secretary of State was there at the time, and he informed me that an order had gone for the release of the man, and I paid no further attention to it, because the thing was ended.

By Mr. SCHURZ:

Q. The Secretary of State told you that?—A. I think it was some one connected with the State Department; I believe the Secretary.

By Mr. HOWARD:

Q. Do you know when Hatch was actually released?—A. I do not know myself. This letter arrived about the first of March.

By Mr. SCHURZ:

Q. You say that you were in the office of the President with the letter, and the Secretary of State was there?—A. I say I think that was the way it came up.

Q. And you were informed there, in the presence of the President, that the order for the release of Mr. Hatch had gone?—A. I do not know that I was talking with the President. I do not remember exactly about it, but I know that was the first information I had; in speaking of it I received the information that an order had gone for the release of Mr. Hatch.

Q. You testified before that on the 30th of May you told Mr. Perry that the President had expressed his surprise at the order having gone?—A. Yes, sir. I do not say that I said this to the President, nor that the information was given to the President, that an order had gone for Hatch's release.

By Mr. FERRY:

Q. Did you not say just now that you laid before the President this letter of Mr. Cazneau?—A. I say that I read the letter to the President.

Q. What did you read it to him for? What was your object in reading it to the President?—A. Simply to inform him of affairs in San Domingo.

Q. Did you not intend to have that influence the President against the release of Mr. Hatch?—A. Not a particle.

By Mr. SCHURZ:

Q. Did you read the whole of that letter to the President?—A. I did. I will say that I read a great many letters to him in this way. I tell him often the full contents of them instead of reading all the words. I do not know that I read all the words of this letter to the President, but I conveyed to him the whole information contained in it.

By Mr. FERRY:

Q. When Mr. Perry went down to San Domingo you gave him a letter of introduction to Mr. Fabens and also one to Mr. Cazneau?—A. Yes, sir.

Q. And you had then been informed by the Secretary of State that he was somewhat unfavorable to Mr. Cazneau? You have already stated that, but did not go into details.—A. I say that the Secretary of State simply used to me the expression that he did not have confidence in General Cazneau, without making any charges or anything of that kind.

Q. And these two persons, Cazneau and Fabens, were the only Americans there to whom you gave Mr. Perry any letters of introduction?—A. I do not remember any others. Mr. Fabens was not down there then; he was in New York.

Q. But you have stated here that you gave Mr. Perry a letter of introduction to Colonel Fabens?—A. Yes, sir.

Q. Did you know any other Americans in San Domingo?—A. I think there are two or three.

By Mr. SCHURZ:

Q. Did you know Mr. Prime?—A. Mr. Prime was not down there then.

By Mr. FERRY:

Q. Did you know him?—A. I came up in the steamer with him.

Q. Did you know Mr. Reed?—A. No, sir; I never saw Mr. Reed there.

Q. Did you know Mr. O'Sullivan?—A. I did; but I did not know that he was in San Domingo then.

By Mr. SCHURZ:

Q. Did you know Mr. Scott?—A. No; I do not remember of seeing a Mr. Scott there. I do not know that I ever saw him.

Q. Were there any other Americans that you saw there except Cazneau, Fabens, and Prime?—A. When I was there there was Mr. Hennen.

Q. He went down with you. I am speaking of residents or merchants in San Domingo?—A. I remember one merchant who was an American. I do not recall his name. I remember going into his store, but I did not get at all intimately acquainted with him. I do not recall now any other Americans except Mr. Smith and his son. I do not mean to ignore them.

By Mr. HOWARD:

Q. Of all the Americans there were you not, when you gave these letters of introduction, best acquainted with Mr. Cazneau and Mr. Fabens?—A. Certainly, especially because General Cazneau did my interpreting the first time I was there.

Q. So you gave Mr. Perry letters of introduction to Cazneau and Fabens; those being the only Americans there to whom you gave him such letters?—A. Yes, sir.

By Mr. SCHURZ:

Q. Did you know then that Cazneau possessed concessions and grants from the Dominican government?—A. Yes, sir; I knew there were some that were made to him because I brought back a list of the concessions when I came back the first time, in which some appeared to be made to General Cazneau. I want to say here, though, that I knew Mr. Fabens was not in San Domingo; he was in New York.

Q. He went down in the same vessel with Mr. Perry?—A. I believe so; I did not know but that you thought I meant that he was down there all this time.

Q. Oh, no. You referred to something you had said to Mr. Perry when delivering to him those letters of introduction to Cazneau and Fabens. What did you say to him?—A. I tried to repeat the substance of what the Secretary of State had said to me, that he had no confidence in General Cazneau, my object being that he might fully understand to whom I was giving him a letter of introduction. In other words, I wanted to place Mr. Perry as favorably as I could in San Domingo, and tell him, as well as I could, about the people.

Q. Do you say that you cautioned him against Mr. Cazneau?—A. No; I did not caution him against him; I only made him this remark.

Q. Did you say to him that you thought the Secretary of State was correct in his suspicions?—A. I told him that so far as I had seen anything there, I had not seen anything improper in General Cazneau. That is my remembrance of what I told him.

Q. Did you say to him that you thought the Secretary of State was mistaken in his suspicions?—A. No; I do not think I said that. I said that so far as anything I had seen was concerned, I knew nothing against him. I only saw him about forty days, and I could only tell him my own impression about the man in that time.

Q. If you had received from the Secretary of State unfavorable impressions with regard to Mr. Cazneau, why did you direct Mr. Perry to see Mr. Cazneau and introduce him to him socially?—A. I did not direct him to see him.

By Mr. FERRY:

Q. You state that Mr. Perry showed you a letter from Mr. Hatch, and that you read that letter?—A. Yes, sir.

Q. Did that letter protest that Mr. Hatch was innocent of the charges against him?—A. I do not remember the contents of the letter; it was quite a long letter.

Q. Do you not remember that fact about the letter?—A. I have no doubt that it said so; but I do not remember the contents of the letter. Mr. Hatch was not a subject that I had any particular anxiety about, or that particularly impressed me while I was there.

Q. Then an American citizen claiming that he was illegally and wrongfully imprisoned, awakened in you no anxiety and attracted no attention?—A. I do not say that.

Q. The case of Mr. Hatch neither awakened your attention nor caused you anxiety, when Mr. Perry showed you that letter?—A. I say that situated as I was there, at work in this matter of the treaty, busily engaged on that, and the common understanding being that this man was to be released, and Mr. Perry, as I think, having told me that the President had agreed to release him, I did not know but that the man might be released any day. I did not know but that he would be there the next day.

By Mr. HOWARD:

Q. Had you any reason to suppose he would be?—A. I had every reason to suppose he would be released any day.

By Mr. FERRY:

Q. How?—A. From what Mr. Perry said, that the President had told him that he would release him.

Q. Did anybody else than Perry tell you that?—A. No.

Q. Did Baez tell you that he would release him?—A. No; I never asked him about it.

By Mr. VICKERS:

Q. Did you inquire of Mr. Smith as to the character and circumstances of the murder committed by the sailor for whom, and before, you interceded?—A. I did not.

By Mr. SCHURZ:

Q. Did you see a letter addressed by Mr. Hartmont to Mr. Fabens concerning a foreign power having offered two millions for the Bay of Samana?—A. I did see that letter.

Q. Did Mr. Fabens give that letter to you?—A. No, sir; Mr. Fabens, I think, probably brought that letter from New York. I think he sent it to me for the information of the President.

Q. And you gave it to the President?—A. Yes, sir.

Q. You did not give it to the Secretary of State?—A. No, sir; I gave it to the President. I think the original letter is on file yet, in the Executive Mansion. I am not positive, but I think that is the manner in which the letter arrived at the Executive Mansion.

The CHAIRMAN to the witness. I believe we are through with you, General.

The WITNESS. I wish to make a statement in connection with the letter from General Cazneau to me dated February 19, 1870, which I have read this evening. I have never answered that letter. I wish to explain the reason why I have not done so, and why I wrote to Mr. Perry the letter I did, in which I spoke of being sorry about the troubles between American citizens there. In a letter to the Secretary of State of the date of February 20, I think Mr. Perry says that Mr. Cazneau claims to be in direct correspondence with the Executive Mansion, and shows letters, &c. That dispatch of Mr. Perry has been produced here. The President said to me that Mr. Fish had shown him that dispatch from Mr. Perry,

and he said that he then told Secretary Fish that I had been corresponding with General Casneau, and that he had known of the correspondence all the time, and that I had shown him my answers, &c. But the President then said to me: "General, I would not write any more letters down there, because I do not want to make any trouble."

By Mr. HOWARD:

Q. Then you neglected to answer this letter of Casneau at the request of the President?—A. By instruction of the President, I have not written to him, nor to Minister Gautier, nor to President Baes, nor to any official in San Domingo since that. That is the reason I mentioned in my letter to Perry that I was sorry that the Americans there were quarreling. On the same date, or a date a day or two later, I have a letter from Mr. Perry to myself almost similar to the one he wrote to the Secretary of State, saying that he had called General Casneau a trickster, &c. This explains what I meant by speaking of the trouble among the Americans down there.

By Mr. SCHURZ:

Q. Have you written to Mr. Fabens since?—A. As I said to-day, I wrote to him one letter since, sending the scraps of newspapers, &c., to which I referred, and telling him the news of the day, and suggesting that he or some other person should come here prepared to refute those charges.

JOHN SONERS SMITH sworn and examined.

By Mr. FERRY:

Question. Where do you now reside?—Answer. On Staten Island.

Q. What is your age?—A. I was 71 years old on the 6th day of March last.

Q. Have you been in the consular service of the United States?—A. I have been in the consular service from the time when General Taylor came into office, under every President, until a few months past.

Q. In what places have you served?—A. I first served in Malaga some ten or eleven years, and then a short time in Cadiz. On my return home from there, I was appointed consul to Candia, and was confirmed by the Senate; but did not go out there, and finally I went to San Domingo. I was appointed consul to San Domingo, and took office there on the 1st of August, 1866, and left San Domingo on the 16th day of November, 1869. I was there three years and three and a half months.

Q. When you arrived in San Domingo, who was President of the Dominican Republic?—A. The government was in the hands of a triumvirate, consisting of Generals Pimentel, Luperon, and Garcia. They were absent at the time of my arrival, but they had delegated their powers to a very eminent lawyer, an old gentleman—Mr. Tomas Bobadilla—who carried on the government. He is now in exile. Those generals returned afterward, and a general election was called, and in the month of October, 1866, General Cabral was, by the popular vote, elected President of the republic for four years.

Q. Did you become acquainted with the constitution of the Dominican Republic as it was at that time?—A. Yes, sir; I had a copy of the constitution and read it over. I know that it was a very liberal constitution.

Mr. FERRY. Mr. Chairman, I wish to ask the witness some questions as to that constitution. I ask him, first, in whom was the executive power reposed by that constitution?

Mr. HOWARD. What is the point?

The CHAIRMAN. Have we not got the constitution here?

Mr. FERRY. No; I gave you a memorandum to be sent to the Secretary of State asking for it particularly; but it has not yet come to us.

Mr. HOWARD. I must confess that I do not see the propriety of interrogating the witness as to what may be in the written constitution of San Domingo.

Mr. FERRY. I am perfectly willing to state my object, and the committee can then judge whether it is legitimate or not. I understand the facts to be, that a popular election was held in the autumn of 1866, in accordance with the constitution of the Dominican Republic, and a President elected, and a Congress elected, in accordance with that constitution, and that the judicial system went into force in accordance with that constitution; that about a year and a half afterward, a rebellion broke out against that lawfully constituted government; that that rebellion drove the lawfully constituted authorities out of power; that Buenaventura Baes succeeded in grasping the reins of power; that he overturned the constitution; refused to permit any Congress to assemble or be elected, and that his whole authority is an illegal, usurped, authority of no more validity than the authority of Maximilian during the time he assumed to be emperor of Mexico.

Mr. HOWARD. Let me ask Senator Ferry what bearing that has on the case of Hatch—

Mr. FERRY. This usurped authority, not in accordance with the constitution and laws of the Dominican Republic—

Mr. HOWARD. Let me get through with my question, if you please. Does Senator Ferry deny that the government of Baes was a government *de facto*?

Mr. FERRY. Not at all; but I do deny that the tribunal before which Mr. Hatch was brought was a legal tribunal, according either to the laws of the Dominican Republic or the law of nations.

Mr. HOWARD. You deny that it had any authority whatever to try the case of Hatch, or to entertain it?

Mr. FERRY. Yes, sir.

Mr. HOWARD. Because the government was a revolutionary government? Is that the conclusion?

Mr. FERRY. Yes, sir.

Mr. HOWARD. Then I object, for one, to going into that branch of the subject. I cannot see the propriety of it. I should not object to your showing, or attempting to show, that there were irregularities or illegalities in the trial of Hatch; but when you go back to the very foundation of the jurisdiction of the court, and deny the legality of the government itself under which it was organized, it seems to me we are taking an unnecessary step, and going into matter which does not belong to us. We cannot try the legality of the government of Baez.

Mr. FERRY. We can try the rights of an American citizen which have been outraged by a usurped government.

Mr. HOWARD. Does not our own government recognize the government of Baez by sending a commercial agent or consul there?

The CHAIRMAN. I understand the proposition to be to prove by Mr. Smith that the regularly constituted government of Cabral was overthrown by a revolution by which Baez overthrew the government and overthrew the constitution.

Mr. HOWARD. The immediate question to the witness was as to the contents of the constitution of San Domingo itself, and Senator Ferry proposed to follow that up by showing that the government of Baez was a usurping government, and, hence, no government at all. To that line of examination I object.

Mr. SCHURZ. Let me suggest that we can cut this whole matter short by merely addressing to Mr. Smith the question whether the statement of fact, which Senator Ferry has just put forth, is correct to his knowledge.

The CHAIRMAN. That is the very thing that is objected to.

Mr. HOWARD. That is really a denial of the authority of the Baez government, and our government has recognized that government by public acts of its own, and we are therefore estopped from denying it or going into an inquiry of that kind. I think it indecent for a committee of the Senate to go into such an inquiry, knowing, as we do, that a minister plenipotentiary from the government of Baez is here at Washington now, and has been recognized and received by our own government as representing the government of San Domingo. There must be some boundary, of course, to our inquiry. Is it decent and respectful toward the government of San Domingo to go into such an inquiry? I think it is not.

Mr. FERRY. To avoid the objection, I will confine my inquiry to a mere statement, of the briefest possible kind, of the historical events.

Mr. HOWARD. I have no objection to a statement of historical events if they bear upon any subject of inquiry before us.

Mr. FERRY. That is precisely what I intend to do.

Mr. HOWARD. Otherwise it is a mere waste of our time.

Mr. FERRY. We have Hatch's statement showing the origin of the difficulties between himself and President Baez, and accusing President Baez of having unkind feelings toward him.

Mr. HOWARD. I have no objection to your going into that.

Mr. FERRY. Then I will inquire of the witness in regard to the occurrences that took place in the Dominican Republic.

The CHAIRMAN. The fact that they had a dispute I suppose it would be competent to prove; but I do not presume it would be competent for us, as a committee of the Senate of the United States, to attempt to adjudicate upon the propriety of their revolution. When we find a government, we recognize it. Mr. Smith himself was sent to the Baez government; or, rather, remained there under it. I do not see that it is within the scope of our functions to inquire whether the revolution there was wise or unwise. The fact is that it took place, and if we were to go into its details and inquire as to its propriety, we should be widening the scope of our inquiry beyond any proper limit.

Mr. WILLIAMS. I am anxious to economize time. I suppose the historical events are, beyond all question, that Baez did engage in a revolution, and overthrew and expelled Cabral and took possession of the government. I suppose there is no question about that. It appears to be historically true.

Mr. FERRY. There are facts here which seem to have been not comprehended, and the dates and order of which facts do bear directly upon Mr. Hatch's statement in his petition.

Mr. HOWARD. And on them you propose to show that President Baez was actuated by malicious and malignant motives toward Hatch, and persecuted him?

Mr. FERRY. Yes, sir.

Mr. HOWARD. I submit to the committee whether it is fitting and proper that this committee should go into such an inquiry as that, with a view to cast reproach and ignominy upon the executive head of that republic, with whom we are treating—with whom we are holding international relations.

Mr. FERRY. Let me state, gentlemen, what I expect to prove, and then we can have the vote of the committee taken on it, if need be. In Mr. Hatch's statement of facts accompanying his petition he says that he acquired a concession of certain privileges from the existing Spanish government in 1864; that before he reduced those to possession that government was overthrown, and that after an interregnum Mr. Baez obtained supreme power; that Mr. Baez, after some discussion with him, annulled his grants, and shortly after Mr. Baez himself was overthrown, and at a popular election a President of the republic was elected who confirmed his grants; that at that juncture an article appeared in a newspaper alluding to these grants to Mr. Hatch, to which Damian Baez, the brother of the President, replied, and to that Mr. Hatch says that he replied, and that he also wrote a letter to the New York Times at the same time, in both of which he animadverted upon Buenaventura Baez, who was not then the President of the republic, but was in exile. The constitutional government of Cabral was then in power, and from that time, he says, Baez entertained hostile feelings toward him. General Sackett has testified that Mr. Cazneau told him that at a former period Mr. Hatch had published matters which wounded General Baez, and he spoke of matters said to have been published by Mr. Hatch of a purely personal character. The mere facts of this historical sequence I wish to have in testimony for the purpose of showing the connection of the facts thus developed with the evidence in this case. That is my object in showing the historical sequence of events.

Mr. WARNER. Mr. Chairman, the connection of the Cabral and Baez governments with Mr. Hatch's grants is fully brought out in the letter of Mr. Hatch, setting forth the history of his troubles with Mr. Baez, and it is there clearly shown how far the question between these two contesting parties is involved in this matter.

Mr. FERRY. It is.

Mr. WARNER. That fact being brought out, it seems to me this inquiry can probably have two aspects—by the petition it has but one—how far we have cause to complain of the Dominican government for its treatment of an American citizen. Incidentally, it has another branch, as to how far General Babcock has been at fault, if at all. I think the whole inquiry relates properly to the present Dominican government, not to the legality and rightfulness of that government. Whatever demand we may have to make for reparation on account of its treatment of Mr. Hatch is to be made of the present government, not of Cabral or any preceding government.

Mr. HOWARD. As to the Hatch concession, that is one of the concessions in a paper properly belonging to the treaty which is already before the Senate:

"Privilege granted to Mr. Davis Hatch on the 27th of September, 1866, for the working of the salt mines in the commune of Neyba and for the laying of a railway from the shore of Barahona to the said salt mines."

I take it, that is the concession.

The CHAIRMAN. I think Mr. Hatch, in his papers, submitted here, is laboring under a false impression, that that concession has been annulled. It has been reported to us, in the papers accompanying the treaty, as an existing, genuine concession.

Mr. FERRY. I have not objected to anything in the somewhat wide range of inquiry that has been taken. I certainly, as a lawyer, could have objected to quite a number of questions that have been put; but I am not here as such.

Mr. HOWARD. I do not feel like questioning the authority of the Baez government, inasmuch as we are holding political relations with it.

Mr. FERRY. My desire was to show from this witness that Mr. Hatch's statement was true. I supposed, perhaps, somebody would deny the truth of the contents of his statement. However, to save time, I will proceed to inquire of the witness as to another point.

Mr. HOWARD. Very well.

Mr. FERRY. [To the witness.] When you arrived in San Domingo, Mr. Smith, did you become acquainted with Mr. Davis Hatch?—A. I had a letter of introduction to him from New York.

Q. Who gave you that letter of introduction?—A. Mr. Frederick M. Kelley, one of the associates in the Salt Mining Company.

Q. You had never known Mr. Hatch before?—A. Never before.

Q. Where was Mr. Hatch when you arrived there?—A. In the city of San Domingo.

Q. How long after the election of Cabral was it before another revolution occurred?—A. There were one or two outbreaks in the country; an attempt to land a force from Curaçoa. They came up from Curaçoa to land at Seybo, the eastern province, but they were almost all captured.

Q. I speak of the actual revolution; when was that?—A. It was always carried on in that manner. Then the country was quiet for some time. There was a second attempt made on the northern frontier at Monte Christi, but it was a failure. There were two failures before the absolute revolution took place.

By Mr. WARNER:

Q. This was against the Cabral government?—A. Yes, sir.

Q. Was Baez at the bottom of these movements?—A. Baez was at the bottom of them, assisted by Salnave, the President of Hayti.

Q. When was the successful revolution?—A. The city was besieged about a month, I think, from the 1st of January, 1868, to the 1st of February; and on the 1st of February the city capitulated. I was one of the witnesses to the capitulation.

By Mr. SCHURZ:

Q. The city capitulated to Baez?—A. To Baez's troops. Baez himself was not there. General Hungria commanded the army.

By Mr. FERRY:

Q. After that Baez obtained supreme power in some way?—A. After General Cabral left. He left in twenty-four hours after the capitulation. The country was then placed under a provisional government; General Hungria was at the head of it, and it remained so for two or three months, when Baez was invited from Curacao, and came up, and I think in April or May he took charge.

Q. It appears from the papers that a dispute occurred between President Baez and Mr. Hatch, which led to an intervention of yours. State what that was.—A. I think it was in May, 1868, about a month after Baez came into power. I think the first notice of it I had was the arrival of Mr. Hatch in the man-of-war *Capotilla*, from Barahona. I think he wrote me a note from the vessel, telling me that he was there a prisoner; that he had been brought up from Barahona, he did not know for what, and wanted to be allowed to come on shore, but he was afraid that perhaps he might be imprisoned. I called on President Baez and asked him what was the meaning of all this. He told me that there were some suspicions about Mr. Hatch, and he had him brought up. Said I, "I will guarantee that he is all right; will you allow him to come to the hotel?" He said, "Yes." Mr. Hatch went to the hotel. I again went to see President Baez and asked him, "Have you got any strong reasons for bringing Mr. Hatch up here?" He said Mr. Hatch was not friendly to him, but gave me no reasons at all. "Then," said I, "suppose Mr. Hatch comes up here and makes an explanation to you." I knew there was some bad feeling between them on account of some correspondence which had formerly appeared.

By Mr. HOWARD:

Q. What correspondence?—A. Correspondence in the New York papers. I knew there was bad feeling, and so I said to President Baez: "The best way for you to do is to allow me to bring Hatch to you, and you and he can talk the matter over, and see if you cannot settle it."

Q. Had Mr. Hatch been in the habit of writing letters to the New York Times for publication?—A. That was previously, when Baez was out of the country. He used to correspond with the New York Times, but I think that was when Baez was away.

By Mr. SCHURZ:

Q. Do you speak Spanish?—A. Sufficient to carry on business and read my letters; I do not profess to be a good Spanish scholar, but I have had plenty of assistance from my children, who could all read and speak Spanish very well. When I told this to Mr. Baez he seemed to hesitate and asked me, "What do you think about it?" I said to him, "That is the best course to pursue; let Hatch come up here and make an explanation; but," I added, "you must understand one thing; if he comes here you must treat him like a gentleman." I used to talk pretty plainly to Baez; I am a much older man than he is. He said that he would treat Hatch like a gentleman. I went down to see Hatch, and said to him, "Come along." He was rather afraid to go. I said to him, "You must come along and see Baez with me at once, and I think I can settle the whole difficulty." We went up together and commenced conversation with Mr. Baez. Baez came down upon Hatch very severely indeed with regard to the former business. After awhile I said to him, "Sir, I am rather surprised to hear your conversation; this is not what you promised me; I did not come here to hear a tirade against Mr. Hatch; I wanted to see whether you could not settle the matter."

By Mr. FERRY:

Q. What "former business" did he come down upon him for?—A. In regard to Hatch's exposure of Mr. Baez, and his letters published in the New York papers, and other matters. After a long conversation Mr. Baez cooled down, and Hatch tried to make an explanation, which I suppose he did, after a fashion. Finally, Mr. Baez turned to me and said: "Mr. Consul, if what Mr. Hatch states is a fact, as to the assistance he has rendered my people down in Barahona, where some of my relatives are"—his half-brother Ramirez Baez commands at Azua now—"if Ramirez, who knows all the facts, will write a favorable letter, I will allow Mr. Hatch to return to Barahona." Said I, "Very well." So Mr. Hatch got up; the President and he shook hands, and we went away. I said to Hatch: "The matter is all settled, no doubt." In a few days afterward Mr. Baez said to me, "As soon as I get that letter I will send it to you." Mr. Hatch sent me the letter from Ramirez, the President's brother, to himself, and it was a most favorable letter, speaking very highly of Mr. Hatch and the good deeds he had performed at Barahona to the few troops they had there, who were very poorly clad, &c., and who had suffered a good deal. President Baez got the let-

ter, but I heard nothing of Mr. Hatch coming back. So I addressed a letter to the minister of foreign affairs, telling him that the matter was all settled, and I did not see why Mr. Hatch was not permitted to return. He then asked me a few guarantees, and said if he would conduct himself properly he had no objection to his availing himself of any opportunity to go down. I wrote him a letter, stating that from all I knew of Mr. Hatch I was confident he would not commit any errors; that he was not unfriendly to Mr. Baez's government now. He departed and went to Barahona. That was in the latter part of May or the beginning of June, 1868.

Q. What was Mr. Hatch's character and reputation as you became acquainted with it in San Domingo?—A. Mr. Hatch stood very high in San Domingo, in consequence of his former reputation, he having been the most extensive merchant in Porto Rico, where he had amassed a very large fortune some years previous. After that he went to New York, and what became of his fortune I do not know. Coming out to San Domingo after having lived very long in the West Indies previously, he stood very high with the people generally.

Q. Now, state the beginning of the second trouble as it came to your knowledge.—A. Mr. Hatch continued at Barahona during the fall and winter of 1863. Some time in the month of December, 1868, I heard some rumors that something was talked against Mr. Hatch at Barahona—that perhaps he was not conducting right. I called on my friend, Mr. Reed, the first American merchant there, a gentleman of high respectability, a brother-in-law of Beales, of the Boston Post, and said to him, "Reed, write down to Hatch, and ask him what he is doing; ask him whether there is anything wrong." Reed wrote to Hatch, and Hatch at once responded to me: "I was quite surprised to get Mr. Reed's letter, saying that there was some rumor that I was not conducting myself friendly to the government; it is all false; and, to show that it is false, I send you a certificate of persons residing here, certifying to my good conduct; and, furthermore, any reports adverse to me arise entirely through one or two persons who have been jealous in consequence of my transacting business from St. Thomas, and importing goods from there, so as to undersell them a little, and they want, if possible, to destroy me."

Q. Were the goods which were sold in the ports of the Dominican Republic, in a considerable measure, imported from St. Thomas?—A. Yes, sir; generally speaking, from St. Thomas. Almost all the dry-goods and things of that kind, of English manufacture, come to San Domingo by way of St. Thomas.

By Mr. VICKERS:

Q. Do you say that Mr. Hatch inclosed to you a certificate of a number of respectable gentlemen?—A. Yes, sir, of a number of respectable people at Barahona, stating that he was favorably disposed to Baez and his government, and was doing all the good he could there.

By Mr. HOWARD:

Q. Where is that certificate?—A. I had it. I think it is in some of the papers I sent on.

By Mr. FERRY:

Q. Signed by the alcalde and others?—A. Yes, sir.

Q. Go on with your statement of the trouble.—A. Things went on. We heard of wars and rumors of wars in the Province of Azua constantly. This was in the spring of 1869. We knew that Cabral had marched in and taken the towns of Neyba and Barahona. Mr. Hatch was in Barahona at the time as a merchant there. The Cabral party held it some three months, from May until August, until near the time of the evacuation on the 28th of August. During that time Cabral's force held Barahona. He had there about two hundred men, which is considered a large force there, and with that force he held the place for some three or four months. Hatch was there, and consequently during all that time I had no communication from him, because there was no way of sending a letter. It is only twelve or fourteen hours' sail from San Domingo by sea; but, owing to the revolution, there was no communication by land or sea. The latter part of August the Baez party got possession of Barahona again, the Cabral party evacuating. I heard some rumors that Hatch had been arrested, and I went and asked Mr. Baez about it; but he could not tell me whether it was the fact or not, and I had no positive grounds to suppose so, because San Domingo is a very great place for rumors. I received a letter, I think, dated the 28th of August, from Azua, from Mr. Hatch, stating that, on the 28th of August, Barahona had been evacuated by the order of the government, and he had been brought away a prisoner to Azua. That was the first knowledge I had of it.

By the CHAIRMAN:

Q. What do you mean by that? Do you mean by evacuation that all the inhabitants were ordered out?—A. Pretty much all were ordered away. The evacuation of the place was ordered. I do not know how long it had been before that, that the Cabral party had left the place and Baez's troops were in possession.

By Mr. FERRY:

Q. Go on with your narrative.—A. Mr. Hatch told me that he was in Azua, a prisoner,

and expected to be brought up to San Domingo City for trial, and he told me in this letter that there was no cause for his arrest. I was very much surprised at it, and called on the President and asked him what it meant. He said that he could not tell; that he had not yet received the proper information, &c. I finally said to him: "In the event of Mr. Hatch being brought up here, I hope you will not attempt to put him in prison; if you will allow him to stay in my house I will be responsible that he is handed over to you any time you may call for him." He told me that if there was nothing positively strong against Hatch he would not have any objection to that. Mr. Hatch was brought up to San Domingo City some time about the middle of September—I think about the 12th—in a man-of-war. I received a letter from him, stating: "I am a prisoner on board a man-of-war here, and I am very much afraid they may perhaps put me in prison on ship; I wish you to exert yourself as much as possible, and endeavor to prevent such an outrage." It was on Sunday. I immediately called on Mr. Baez, the President, and told him the case. He shrugged his shoulders, and said: "To-day is Sunday; I have nothing to do with this; it is a matter entirely with the authorities, and I do not see that I can do anything." I talked to him pretty straightly; and, finally, he said: "The best thing you can do will be to see the minister of state; you will find him at home." I went to see Gautier; and Gautier and I had some pretty strong talk about it. I said: "Why, you are not certainly going to imprison the man without anything against him?" Finally he told me that I had better go and see the minister of war. It was a very hot day, and unpleasant for a man of my size and age to be running about in this way; but I went to see the minister of war. The minister of war said to me: "It is no use talking; he is imprisoned already." They had imprisoned him in the Fort of San Domingo while I was running about.

By Mr. SCHURZ:

Q. They acted with great duplicity, it seems?—A. I do not know that there was duplicity exactly; but they imprisoned him with great quickness. Though Sunday was a kind of a holiday, they took him on shore and put him in the prison. Then I called on the President and asked him if he would allow me to visit Hatch, and I was told that he was, as they term it, incommunicated for forty-eight hours; that is, that no one would be allowed to see him during that time. After the expiration of the forty-eight hours I called to see Mr. Hatch and he told me his story. It appeared that he was brought up there for the purpose of being examined by the fiscal, as they call him there, or the attorney general, and I was notified to attend the examination. I was present. He remained there two or three days after that. I used to go to see him almost every day. One evening I received a note from him, about six o'clock, begging me, for Heaven's sake, to do something for him, that he feared they were going to send him to Azua that night. I immediately ran out, and went to the British consul, who I knew was a great friend of Hatch, and I said to him, "Will you join with me to try and see if we cannot possibly persuade Mr. Baez and the government to allow Hatch to remain here, and have his trial here?" He shrugged his shoulders, and would rather not have anything to do with it. I knew there was no time to spare; so I ran immediately to Felix Delmonte, the minister of justice, who was under great obligations to me, because I had put him in that ministry, and I said to him, "Now, you must show your friendship to me; I want to save Hatch this ignominy." Said he, "It must be done, he has got to go; but I pledge you my word of honor, in a most confidential manner, that not a hair of his head shall be touched; don't speak of it; but remember, you have it from me that he is not to be hurt; but he will have to go through all the process." I went to the prison and said to Hatch, "You must make up your mind to go back again; but don't be frightened, you won't be hurt; I am satisfied of that; I know all about it." They took him down to Azua and he was tried in a very summary manner.

By Mr. HOWARD:

Q. How far is Azua from San Domingo City?—A. They run it down in a night by sea—it is about a hundred miles by land. He was tried and condemned to be shot. I knew it was all a farce, because I understood beforehand that he would be pardoned. A messenger came up at once with the sentence, and Mr. Baez submitted it to the Senate and they gave him a pardon to leave the country. He was pardoned absolutely; but with the condition that he should have his passport to leave the country. I called at once on Delmonte, the minister of justice, and asked him, "Where is Hatch now?" "Oh," said he, "he is at liberty in Azua; it is a free pardon."

Q. Who said so?—A. Mr. Delmonte, the minister of justice. It turned out that that was not the case, however. Mr. Baez and myself always talked friendly—we never had an unfriendly word; but in this matter I told him, "You are taking a wrong step; this may be a very serious step for you with the government of the United States;" and I tried to persuade him to have nothing to do with it, but to let Hatch go free. It was unavailing.

By Mr. FERRY:

Q. After this pardon, of which you have spoken, did you receive any communication from Mr. Hatch?—A. Yes, sir; occasionally I got a letter.

By the CHAIRMAN:

Q. Did you ever see the pardon, as you call it?—A. Nothing more than was published

in the newspapers. I at once demanded a copy of the proceedings against Mr. Hatch, and they alleged that as an excuse for not liberating him until they could make up that process.

By Mr. VICKERS:

Q. You say it was a free, unconditional pardon?—A. Entirely; any further than that he was to receive his passports and leave the country.

Q. Is the newspaper you spoke of "the Official Bulletin"?—A. Yes, sir.

Q. Was it published in that paper?—A. Yes, sir.

Q. Did you see it?—A. Yes, sir; and I think I have a copy of it at home, at my house.

By Mr. HOWARD:

Q. He was pardoned, but to leave the country?—A. Yes, sir.

Q. Are you quite confident it was an absolute pardon, with the direction to leave the country, to take effect *eo instanti*?—A. I understood that he was pardoned and would receive his passport and leave the country, because when I asked Mr. Delmonte "Where is Hatch now?" he said "He is at liberty in Azua, I suppose as free as you are, walking about there now." I inferred from Delmonte that it was an unconditional pardon. I understood it so.

By Mr. FERRY:

Q. After you received these letters of Mr. Hatch, did you call again upon the President?—A. Yes, sir; I had frequent interviews with President Baez in regard to it, but he always put me off, stating that as soon as they could get the proceedings made out Mr. Hatch would be set at liberty and could go where he liked; but I never could get the proceedings from them.

Q. Did you ask for them?—A. Repeatedly.

Q. At the time when you were relieved, what was the condition of things as to Mr. Hatch?—A. They were in *status quo*. He was in Azua; no proceedings had been handed to me, and I informed my successor, Mr. Perry, that such was the case.

By Mr. HOWARD:

Q. Did not President Baez give some excuse or reason why the papers had not reached him, or why he was not ready to release Hatch?—A. He always said, "We are making them up, but we are so hurried, and we have so much to do," and he put me off in that way from day to day. He said that as soon as the proceedings were properly prepared, they would be placed in my hands. I told him I should have to send them home; I appealed to him repeatedly.

By Mr. FERRY:

Q. Were you there when General Babcock arrived the first time?—A. I was.

Q. Did you say anything to him about Mr. Hatch's case?—A. At that time when General Babcock arrived, I was not aware that he was there in any official capacity; he was introduced to me, I think, on the evening of the day of his arrival, by Mr. Fabens at my house; and afterward I met General Babcock once or twice; he came to see me once or twice, and I also called on him, but Hatch at that time had not been tried, if I recollect aright.

Q. General Babcock speaks of an interview between yourself and President Baez when he (General Babcock) was present. Do you remember that?—A. Very well; I cannot recollect what date that was; General Babcock was there some six weeks, I believe; I recollect that interview perfectly well; I never was apprised that General Babcock was there upon an official visit at all until the arrival of the Tuscarora, because I was not at all intimate with Cazneau or Fabens; my son and I rather imagined that he was there more to look into things than to act.

Q. Do you remember the date of the arrival of the Tuscarora?—A. It may have been about the 2d of September, but I am not confident as to that. I think it was about that time. I know I was very much agitated when she arrived, in consequence of the death of my nephew, two days before, at sea, who was assistant paymaster on the ship. The news of his death astonished me very much when she arrived, and I may therefore have forgotten the precise date.

Q. Was there any discussion with regard to Mr. Hatch after the Tuscarora arrived?—A. When the Tuscarora arrived Captain Queen did not come on shore. Some of the officers came ashore in the evening and I asked who commanded the ship. They told me Captain Queen, and gave me information about the death of my nephew, and one of the officers said, "I have a dispatch to deliver to General Babcock." I told my son, Mr. John P. Smith, deputy consul of the United States, a gentleman of forty years of age, with a commission from Mr. Seward—I want to let you know, gentlemen, that Mr. Smith, deputy consul, had a commission from the government—"I want you to go to see General Babcock and speak of Mr. Hatch's case to him particularly." He went around with the officer and he talked with General Babcock.

By Mr. HOWARD:

Q. Were you present?—A. That was in the hotel. I sent my son to the hotel to General Babcock. My son told me the conversation, which is pretty much the same as General Babcock stated in his testimony. Captain Queen landed on the following day. My son

went on board the frigate in the morning, and, of course, as consul of the United States, for he represented me; they gave him a salute of seven guns. Captain Queen came on shore and paid his respects to me. The first thing I asked him was whether he could not go down to Azua and look into Hatch's affair, and see the man. Said he, "I am under orders to General Babcock." I knew already that there was a dispatch for General Babcock. Captain Queen said, "I would like to do it very much; will you make a memorandum for me as to Mr. Hatch?" I wrote off a few lines, handed them to Captain Queen, and, of course, that was all I could do in the business. General Babcock was not inclined to let the ship go down there, and Captain Queen had no instructions.

By Mr. FERRY:

Q. State what the Horan case was.—A. I am very well acquainted with Mr. Horan; I have known him a good while. He was formerly a merchant in Curaçoa for, I suppose, nearly thirty years, and was induced to go to Samana and build a large store there. It is the best in the place. He thought, perhaps, there would be an opportunity of doing business there. I received frequent letters from him. The letter which has been produced here is one that he wrote to me stating that Luperon was firing on the town; that a ball had passed through his house, whether accidentally or not he could not say; and he begged I would do something to protect him. That was the substance of the letter. I put it aside, because a gentleman arrived from there a day or two following, who told me "Horan says you will hear from him by and by, but he is on shore now; he is not in duress in any way." Shortly after that the Tybee, Spofford & Tileston's vessel, towed up the two armed schooners. The moment I got Horan's letter I called on the President, and said: "Can you do anything for him?" He said, "I have no man-of-war; I can send nothing there to help him if he is in trouble." Said I, "It will take forty days before I can write to the United States and get an answer; I must write by way of St. Thomas." I explained the whole matter to Mr. Baez. Shortly after that, in a few days, the steamer Tybee, on her first voyage, as she was going, agreed to tow up the two schooners of war that were armed, with a great many men on board, besides guns, to go up and attack the steamer Telegrafo, that was in Samana Bay. The steamer towed those vessels up, and it appeared there was a slight kind of skirmish for a little while, and Luperon, in his vessel, sailed away.

By Mr. HOWARD:

Q. Luperon had command of the Telegrafo?—A. He commanded the Telegrafo; Luperon was formerly one of the triumvirate. General Pujol was also on board of her, who was here once as plenipotentiary from General Cabral, to sell Samana, some three years ago. The Telegrafo went away and shortly after that Mr. Horan came over to see me, and spent two or three days with me, and told me all about it, and about the affair of the Telegrafo. He said that the shot, no doubt, was accidental; but Luperon is a very stern man, and he arrested him and took him on board the vessel and made him show his books, as he was charged with selling powder to the people there. I believe he disproved it, to the satisfaction of General Luperon, and then Luperon treated him very kindly—went ashore with him and bought a great many goods of him—and the trouble ceased entirely. When he came to see me he wanted me to appoint him vice-commercial agent at Samana, as a mere matter of protection.

By Mr. FERRY:

Q. How long after this was it that General Babcock asked you for Horan's letter?—A. It was just before the general sailed in the Tybee for New York; it was a day or two before he sailed; he came in there and asked for it; I had almost forgotten about the letter; I did not file it with my official letters and put it with my private papers in my desk, as I knew I should see Horan, for I heard he was coming over very soon. When General Babcock asked for the letter I was not certain that I could find it, as I sometimes destroy letters that I think are of no use; I found it, however, and had no objection to giving it to him.

Q. What do you know about the Danish bark Roto?—A. Mr. Hatch, as a merchant at Barahona, was in the habit of collecting large quantities of wood, and he had loaded two or three vessels. Finally a vessel came from St. Thomas. It is necessary that any vessels coming from other ports into San Domingo pay their port charges and take what they call a coast license, which is a dollar a ton, extra. The vessel came down from St. Thomas loaded for Mr. Hatch, but the Baez government would not allow her to proceed to Barahona, as if he was compelled to take freight elsewhere at San Domingo City. The people in St. Thomas hearing this, and that Cabral held Barahona, chartered this unfortunate Danish vessel, and knowing that they could not send her to San Domingo and pay the port charges, they sent her direct to Barahona. She had nothing on board but a few barrels of ale or something of that kind. I know it because the cargo was advertised for sale in San Domingo. She went down and when she got near the bay of Neyba she was met by the Capotilla, and captured and brought into San Domingo City. The captain appealed to the Danish consul, but he told me that that officer was very inefficient, and he could give him no advice, and he was advised to come to see me. I told him it was a delicate matter for me to give advice when his own consul was in San Domingo City, and would have nothing to

do with it; but if it was either an English or an American vessel perhaps it would have been very different. However, the poor man took it to heart so much—a great, big, stout man—that he took the dysentery and died. The vessel was confiscated and sold.

Q. State what you know of the *Telegrafo*.—A. The *Telegrafo* was commanded by General Luperon, and, as I understood, had on board General Pimentel and General Curiel, all men of very high standing.

Q. What had she been—a merchant vessel of any kind?—A. I understand she had formerly been a blockade-runner during our war, and was sold in St. Thomas. There were a great many of those vessels, which were pretty fast steamers. I think her name originally was *Red Bird*, or something of that kind. She was sold in St. Thomas, and bought by some house there, and they changed her name.

By Mr. SCHURZ:

Q. What kind of a vessel was she?—A. A small steamer. She was very low on the water; I think a vessel of 400 or 500 tons. She was sold there to some English house. A great many of the Cabral party resided in St. Thomas, and perhaps they chartered her for so many months, or something of that kind. However, they got her away, and our consul there was very much censured for it. I believe she first was put under the American flag, and the consul, Mr. Robinson, was very much censured for allowing the change of papers. I do not know but that it caused his removal. He had only been there a short time. She went to sea armed, with General Luperon on board, and appeared off Puerto Plata, and frightened the people somewhat firing on the town first under one flag and then under another. That is not unusual, however, because they do not always hoist their true flags at such times. She afterward appeared before Samana and took the place. The *Telegrafo*, of course, was denounced by Mr. Baez, as a pirate; but she was not a pirate. She was making war on Mr. Baez's government, the same as General Cabral was in the Province of Azua. It was all a part of the same revolution.

By Mr. WILLIAMS:

Q. Do you know the fact that she interfered with any of our American ships?—A. I only know that Mr. Horan told me there was a little American schooner belonging, I think, to two persons residing at Samana, who had been there a short time; and Mr. Horan told me, that the instant Luperon took charge, he was determined, of course, to collect all the port charges of a regular government; and this schooner tried to run away in the night to avoid paying port charges, and Luperon sent and brought her back.

By Mr. VICKERS:

Q. Do you know anything of the bill of health that has been spoken of?—A. Only from hearsay; I know nothing about it myself.

Q. Do you know the date of that? Was it when Cabral had possession?—A. Cabral unquestionably had possession of the place for a long time.

Q. Was it during that time?—A. Yes, sir. Allow me to tell you that while General Luperon was away from Samana in the *Telegrafo* he touched off Saona, and they had to cut wood; they were out of coal, and went down to Barahona. On his way down he met with one or two or three Dominican vessels, and captured them and carried them into Barahona; and when he was there I believe he had an interview with General Cabral, who finally agreed to put their guns ashore and return to St. Thomas; and I suppose that was the end of the cruise. Then the difficulty arose in regard to the vessel at St. Thomas.

By Mr. HOWARD:

Q. Explain what a bill of health is.—A. A bill of health is, to certify to the health of the place. This government generally requires a bill of health from the place from which each vessel starts, and generally prefers that the bill of health shall be issued by our consul, though it is customary in many ports, where the bill of health comes from the authorities of the port, merely to have it certified as true. It is not so with us. I had printed bills of health sent out to me by the government of the United States, certifying in this form: "I certify that I, ———, consul, do hereby certify that the brig ———, master ———, belonging to ———, of so many tons and — guns, (whether she has any guns or not,) and having so many crew and so many passengers, being in all so many persons on board of said vessel; and I do further certify that no contagious disease or epidemic exists in this port." That is what is called a clean bill of health.

By the CHAIRMAN:

Q. Has anybody the right to issue that?—A. None but an authority. It would not be recognized coming from anybody but an authority; but there was no authority there except the Cabral party. Whether Hatch ever did sign a document of that kind or not, I cannot tell; but that, I was told, was one of the charges brought against him. I know nothing about it.

By Mr. HOWARD:

Q. Nobody but an official could properly sign a bill of health?—A. No.

By Mr. SCHURZ:

Q. Suppose there were no official there?—A. Hatch was well known in St. Thomas, because he had been a great deal there; he was known to the people, and perhaps they might have said, "Hatch, sign this and we shall not be quarantined."

By the CHAIRMAN:

Q. Would that confer the right on him to give a bill of health?—A. Oh no, there would be no right about it. I do not know that he ever did it.

By Mr. WARNER:

Q. Do you know whether Baez, or the officers of his government, charged Mr. Hatch with having signed the bill of health of the *Telegrafo*?—A. I never saw the proceedings against him; I cannot say, but I have heard it mentioned.

Q. Did you ever hear Mr. Baez, or any officer of his government, charge Mr. Hatch with it in conversation with you?—A. No, I cannot say that I did; and yet it is possible that I may have heard it. Delmonte and I used to talk a great deal together. It is possible that he may have mentioned to me that Hatch gave a bill of health; but I do not remember it. I want to make one observation to the committee while I am on the subject of the *Telegrafo*. She was out of coal and was waiting in Samana Bay for a vessel from St. Thomas. It so happened, that a day or two after she ran away, and these two vessels of war were lying in Samana Bay, there came in a British sloop with coal and other matters for Luperon—you may say, bringing him aid and comfort. She was seized; but when the British consul talked to Mr. Baez, the vessel was given up. It was not the Danish consul he had to deal with; he did not snub Great Britain. I want to say, furthermore, in regard to Mr. Baez not allowing the vessel that came down to Hatch to proceed to Barahona, because it was in possession of the enemy there, that at the time Mr. Baez held San Domingo City, and General Santana, during their wars, held Barahona, the British consul told me that a vessel came for some purpose to go there and take British wood that belonged to British merchants from Barahona and carry it away. Mr. Baez said: "No; you cannot go, because it is in possession of the enemy." Sir Robert Schamburg, a very distinguished man, was the then British consul general in San Domingo, and he said: "As consul general here, I will not allow British interests to suffer from your constant revolutions; this vessel must go on;" and Baez let her go on, and she went down there and loaded and went away.

Q. Did you hear in San Domingo that Mr. Hatch was charged with having signed the bill of health for this Cabral vessel, the *Telegrafo*?—A. I heard it spoken of that he had signed a bill of health.

Q. By whom was that spoken?—A. It was common conversation; but I paid very little attention to reports of that kind. I heard it mentioned; it was not news to me; it was mentioned as one of the charges.

By Mr. VICKERS:

Q. Do you know the character of the murdered sailor?—A. It was a most outrageous murder. I knew all about it, and for this reason: I incline to think the captain was on my balcony at the time he received news that a man had been stabbed. We sent for a doctor immediately. The captain asked me where we could find a doctor; I said, "I cannot tell you; the principal doctors that I used to know, Dr. Delgado, &c., are in exile; but run around the corner to the druggist's store, close by, and I will send a servant with you, and the druggist can tell you where you can get a doctor." He went there; but before the doctor could get on board, the man was dead. He was taken to the hospital, and there was a post-mortem examination. I saw the man; he was stabbed through the heart, for I saw his heart. I buried him, and then I demanded the prisoner to send him home to the United States; but the Dominican government insisted on their jurisdiction. I knew they had a right to it, as it was in their port; but still I tried to induce them to let me send him home in irons for trial. Finding that they insisted on trying him, I sent for the crew and examined every man, and I sent the affidavit of every seaman, and of the mate, to the Secretary of State of the United States, and those affidavits are now in the State Department. It was a long time before the man was tried—perhaps two or three months; but then it was not my business to interfere—the matter was off my shoulders. Finally, he was tried and condemned to some years imprisonment, and I saw him creeping around the streets with chain and ball, working with the felons on the public squares. That is all I knew about the man, until one day my son picked up the paper and said, "Halloa, that fellow has been pardoned!" and we found that he had been pardoned.

Q. Was it a very flagrant murder?—A. A perfect outrage. The two men had been fighting on shore, as has been stated; but they got on board the vessel, and the murderer had got his supper and was smoking his pipe; and finally both came together and high words took place, and this man asked a comrade for a knife, and took the knife, rushed at the other man, and stabbed him. There was a terrible time on board the vessel.

By Mr. HOWARD:

Q. Was it not the result of a drunken frolic?—A. They had been drinking on shore, but the man was not drunk when he stabbed his comrade, as they said; but no doubt he was suffering somewhat from the effects of liquor.

By Mr. FERRY:

Q. It has been stated here that General Baez charged you with being a friend of the Cabral party. What have you to say to that?—A. That to me is the most astonishing thing I ever heard in my life. I will tell you the story in a few words. Previous to Cabral's leaving San Domingo, at the time of the successful revolution of Baez, Mr. Felix Delmonte took refuge in my house. The town then was besieged by the Baez party. They were firing on it all the time. I told him, "There is no doubt Cabral will have to give up; he will have to go away; he will have to capitulate." We used to talk every night; and I said to him that I wanted to be on the most friendly terms with Baez whenever he should come in, and that I wanted to carry out some ideas which I had with regard to the relations of the country with the United States, and I mentioned Samana to him. I had already had power from President Johnson to purchase Samana. I had full power to purchase Samana, as Mr. Seward did not succeed when he went out in the Gettysburg. She had come out there at my request. I held two powers from the government at Washington, one to purchase Samana, and the other to make a commercial treaty. I made a commercial treaty—the only one ever made with San Domingo—and a treaty of extradition. Delmonte said to me, "My friend, wait until Baez comes, and you and I can do everything we want." He was a great friend of Mr. Baez's coming in. Baez, a short time after his arrival, sent for me, and said, "Consul, I want you to do me a favor." I asked him, "What is that?" Said he, "I want you to persuade Delmonte to come into the ministry." Said I, "I have always recommended him to do so. I want you to be surrounded by good and true men—men of intellect." Felix Delmonte is a very intelligent man, a great lawyer. Baez said to me, "Do try and persuade him to come into the ministry." I went to Delmonte's house and met Gautier there; he was trying to coax him, but it had no effect. I saw him and said, "Now, Delmonte, I have been a friend of yours; you must go into the cabinet of General Baez." Said he, "My friend, I am a poor man, and in case Cabral should come back here, it would be the ruin of me." Then said I to him, "You know that General Cabral knows me very well, and his party do, because I had twenty-two of them in asylum in my house for a long time, and they have been under some obligations to me. Be afraid of no danger; I will protect you in the event of any difficulty." Well, through my persuasions, he was induced to take the place and become a cabinet minister. Then he and I and Baez commenced. I forwarded to Mr. Seward offers of annexation; I asked for protection for Mr. Baez; and as an ultimatum, if our government would not do either, I sent word that the Dominicans wanted money so bad that they would sell Samana. I kept that up during the whole of the year 1868, until the month of November. Mr. Seward was constantly replying to me, that as to protection it was an act of war and a very delicate matter; and in regard to the other propositions he wrote me to this effect: "Mr. Smith, notwithstanding the merits of the case, there are times when circumstances place an administration in such a position that what they might do at other times they cannot." You understand what that meant. Mr. Johnson was in trouble. That is what he alluded to. Mr. Seward wrote me frequently about annexation, and kept it up until the month of February, 1869. Mr. Seward was favorable to doing something with San Domingo.

By Mr. FERRY:

Q. General Babcock states that General Baez said to him that you were in the interest of Cabral, and they believed you were in communication with him, and that your office was used as a means of communication with the Cabral force that was trying to be raised against the republic. Is there any truth in that at all?—A. Not a word. If you will listen to what I am stating, it will convince you by circumstances. Mr. Baez sent for me in November; he used to send for me three or four times a day. I went to see him at his request about the 8th or 10th of November, 1868, and he said, "I want you to do something for me." I asked him, "What is it?" He said: "Will you send word for me to the United States? I want to send a proposition to your government." I said to him, "Make it out; send Delmonte to me; let me know the nature of it, and I will send my son home with it. But, Mr. Baez, as he is going home on your account, you will have to bear the expense." Mr. Baez said: "Consul, we are very poor; I have not got a dollar; but after the business is finished, if you are at any expense, which you will be, of course, I will pay you." I said: "I cannot say whether my government will be willing to pay your messenger; but I will see what I can do." I went to see a friend, and said to him: "I want a thousand dollars to send my son home with a proposition to the United States government." He told me, "You can have anything you want." I told my son to get ready to take the proposition to the United States. That did not look like being unfriendly to Mr. Baez. My son came home; and he was the cause of the paragraph in President Johnson's message of December, 1868—the last message which he sent to Congress—stating that the time had arrived when it was necessary to look into the affairs of San Domingo. No doubt the gentlemen of the committee will remember a very favorable passage in President Johnson's annual message of December, 1868. I mention that to show how false any charge or insinuation of my being unfriendly to President Baez is. That was all got up by Cazneau and Fabens. They wanted to destroy me because I was opposed to concessions. There is the whole story in a few words. I continued to receive confidential letters, some of them eight pages long,

from Mr. Seward, to communicate the contents to President Baez, and I wrote him thirty-two letters on the subject. After Mr. Seward went out, I commenced my correspondence with Mr. Fish, and reiterated what I had said to Mr. Seward, and told him that Baez wanted \$200,000 or \$300,000, and one or two men-of-war to protect him. I said to Baez one day, "What is the use of my doing all this for you when you are employing that go-between Fabens who runs backward and forward?" "Sir," said he, "he is not my agent," and he lifted his hand under the very arch of the cathedral and said, "By Jesus Christ, he is not." Delmonte said, "He is not; no one but yourself." Mr. Baez sent for me shortly after that and told me, "Consul, I want to tell you something." This was in April, 1869. Mr. Babcock left in July, and things had changed. In April, the time to which I have just alluded, Baez sent for me and told me, "Consul, do you know I have just received a letter from the minister for foreign relations in Hayti, at Port-au-Prince, stating that our chargé d'affaires at Washington has communicated to us that a Mr. Fabens is running backward and forward—it is so reported—to General Grant, offering the annexation of the country of San Domingo, and this causes great uneasiness to the Haytian government." Mr. Baez told me to write at once to the Secretary of State and tell him "Mr. Fabens has not got that much authority" (snapping his fingers) "from me to do anything of the kind; he is injuring me very much by bringing this thing before the public, whereas all our business with you has been done secretly; and we want it not to be known, for fear, if it should fail, it would overthrow me here; we want to keep it a secret, and do it quietly until I know I am sustained by the United States government."

By Mr. HOWARD:

Q. Who said this to you?—A. President Baez. I wrote to that effect to Mr. Fish, but I never got more than one letter or so from Mr. Fish after he came into office. I heard, though, that my letter caused grave disquietude; that Mr. Fish even sent on to New York for the late Attorney General, Mr. Everts, on account of Spofford & Tileston, and they came and looked at the letter. Mr. Everts saw it, at all events. My letter made quite a noise about Fabens. Baez kept constantly asking me, "Do you hear anything from your government?" I told him no; I got no replies. Fabens was running backward and forward, and finding that I did not hear from Mr. Fish, as I used to hear from Mr. Seward, constantly, Baez thought I had no longer any influence, and he began to look to those whom he supposed had. He was so sure of it at one time, that in a conversation at his house he said, "Well, if we are a State, who will be senators?" Said I, "You will be one." Said he, "You will be the other." Mr. Charles H. Neall, of New York, was sitting there at the time, and Baez took me by the arm and we walked up and down the room together with quite a hurrah, to show how we two would look as senators.

By Mr. WARNER:

Q. You and Baez?—A. Yes, sir; but since I have seen the occupation you have, and your hard work at night, God knows I do not want to be a senator.

By the CHAIRMAN:

Q. It seems from your narration on this subject, that this question of the annexation of San Domingo to this country is not a new one.—A. Not at all. I have pressed it in my letters for years. You will find, if you look at my letters in the State Department, that "annexation," "protection," "the purchase of Samana," "the lease of Samana," all came from me.

Q. You and Mr. Seward, you say, originated the measure?—A. I will tell you how it was. It was myself. When I got out there, and General Cabral was elected, he soon after his election called to pay his respects to me. I said to him, "General, what is the state of your country?" Said he, "We are very poor indeed, and I do not know what we can do. Can you give us any assistance, consul?" "Well," said I, "perhaps we might. What do you want?" Said he, "I cannot tell exactly." Said I, "Send over your minister of finance to me." The minister of finance came the following day, and I asked him, "What do you want?" He said, "We want about a million." Said I, "What can you give us as indemnity? We cannot agree to give money without getting something for it." He said, "We have coal mines at Samana." "Oh," said I, "we have plenty of coal in the United States; we want something better than that. What do you think of Samana Bay as a naval station?" He thought it might be brought about. I wrote to Mr. Seward, and pretty soon Mr. Frederick Seward and Admiral Porter came down in the Gettysburg with a hundred thousand dollars, and Mr. Pujol was appointed commissioner or plenipotentiary to meet those two gentlemen. They met in my parlor, and I translated a little for them, but had nothing to do with the commission. That failed.

Q. You seemed to give direction not only to your own government, but to the government down there?—A. I talked pretty plainly to them. I took that liberty on account of my age. I gave them advice.

Q. You say your friend Delmonte assured you that there would not be a hair of Hatch's head hurt?—A. That was the last night before he was sent to Azua. He said, "I will guarantee my life that he will be safe."

Q. You had no fear that any harm would come to him?—A. He went away that night, but I knew very well his life was safe.

Q. Then you never, after that, entertained any apprehension that Mr. Hatch's life was in danger?—A. No; but they were determined to pursue him, and debase him, if possible.

Q. At the time General Babcock was there were you under the impression, or not, that he would be released?—A. He had not been tried then.

Q. This friend of yours, Delmonte, told you that Hatch was going to Azua to be tried?—A. Yes, sir.

Q. From that time until after his trial did you make any efforts to have him released?—A. I was all the time after Baez about it; but the fact is that there was very little time intervening.

Q. Did you make any demand for his release?—A. Nothing more than an argument with Mr. Baez.

Q. From the time he went down, had you not the assurance of Delmonte that a hair of his head should not be touched?—A. Exactly.

Q. From that time till after he was tried, did you make any active efforts for his release?—A. I think nothing occurred; only three or four days intervened, and Delmonte told me that the law must take its course.

Q. Did you, at any time during your administration, ever make a written demand or request for Hatch's release, to Baez, or anybody else?—A. I think nothing more than a formal demand, personally.

Q. A verbal demand?—A. A verbal demand.

Q. Then there was no correspondence?—A. I think there was no correspondence on the subject.

Q. And you felt entirely sure that he would not be harmed?—A. Perfectly secure.

Q. Did you report that fact to the government here?—A. I reported, as far as my evidence went, in my letters; I reported to the government the position of things, and that I had made demands. I cannot really say, under oath, whether I ever wrote a note to Baez on the subject, but I was constantly in communication with him, and I reported to our government that I thought that if, as formerly, I had control over the vessels of war coming there, that if the Tuscarora had been under my orders, I could, with my influence, and the captain of a man-of-war, have stopped the suit entirely, and could have shown Mr. Baez that the best thing to do was to let Mr. Hatch go; I think I wrote to that effect.

Q. Did you ever write to the government that Mr. Hatch was not in danger of being executed?—A. I had no time to do that, because Mr. Hatch was sentenced in three or four days.

Q. Did you receive any reply to any dispatch you sent to the government on that subject before your time expired?—A. No, sir; they never wrote me a word about it.

Q. At the time General Babcock was there, had you any apprehension as to Hatch's safety?—A. General Babcock and I had very little conversation. I recollect that once I spoke of Mr. Hatch's case and I told him that Mr. Hatch was a highly respectable man, and I told him of the mines he was interested in, and then he asked me, "Has not that concession lapsed?"

By Mr. SCHURZ:

Q. Who asked you that question?—A. General Babcock. He asked, "Has not that concession lapsed?" I told him I thought not. Of course I should say that General Babcock was associated with Cazneau and Fabens, and I looked on them as black sheep.

By the CHAIRMAN:

Q. It is evident that your feeling was not favorable toward them?—A. It was not. I never heard of General Cazneau until, when I was about to leave the United States, a gentleman called on me and told me not to have anything to do with that man.

By Mr. HOWARD:

Q. You had feelings of distrust as to Cazneau and Fabens when you went there?—A. Fabens was not there for nine months after I got there.

Q. But you had feelings of distrust in Cazneau?—A. Yes, sir.

Q. You feel so now?—A. I have no opinion of General Cazneau, not the least.

Q. That is, you have a bad opinion?—A. An unfavorable opinion, from the many stories I have heard. I do not want to speak about him; I am too old a man to talk about other people's characters.

Q. Have you the same opinion about Fabens?—A. Not so much so. I look upon him more as an instrument of Cazneau. I think everything emanates from Cazneau, and particularly from Madame Cazneau. She has a complaint called the *cacoëthes scribendi*; there is no end to her letters; she is the correspondent of the Herald.

Q. You say you were negotiating for annexation originally. Did you do that thinking it would be an advantage to the United States?—A. I had nothing to do with that, because I had gone away. I had powers to purchase Samana, or lease it, and make a commercial treaty; but the propositions to annex were made by the Dominican government to our government. I wrote to Mr. Seward by their request in this way: "Suppose at any time, by acclamation, the United States flag is put up at different places, and the people cry out 'We want annexation;' in such an event what would the United States do?" Mr. Seward wrote

me back that of course our government could have nothing to do with a thing of that kind unless it was by a constitutional vote of the people properly expressed. These were merely conjectures, propositions, passing between us.

Q. What were your views?—A. The fact is, I cannot tell about it. There were many people in favor of it, and many against it. I knew it was my duty, as consul of the United States, to place these things before my government.

Q. Did you deem it important for our government to have Samana?—A. Very important as a naval station, unquestionably.

Q. Do you think so now?—A. Unquestionably. I do believe it a fine position. All that is in my correspondence; but what I objected to there was to the large concessions that were made; and that is what has caused the animosity to me. When Mr. Fabens went out there, at the request of General Banks, to ascertain the debt of San Domingo, General Banks, as chairman of the Committee on Foreign Affairs, gave him a letter. Mr. Seward sent me a copy of that letter. General Banks particularly stated in that letter that large franchises or concessions would defeat annexation, even if it passed the lower house; and for that reason I particularly told Delmonte, and told Baez, "Do not concede; never give an inch away of Samana Bay; do not concede an inch to anybody." I said to them that I knew Cazneau was always after concessions. They were friendly to me then. When I said that, Delmonte said, "My dear sir, the other day he asked for a concession that would reach from San Domingo to the town of San Juan, fifty-four leagues off on the frontier"—one hundred and fifty miles. Baez said, "He might as well ask me for the whole republic." At the same time, notwithstanding their positive promise that they would not give an inch of ground on Samana, they went and conceded all the mines and woods to Hartmont & Co., of London, by special treaty.

Q. Then your objection to it is entirely on account of the concessions that have been made?—A. That was one objection; and another objection I made was, that there are a great number of the first people out of the country, and I do not think you can take the sentiment of San Domingo without consulting them, at all events.

By Mr. SCHURZ:

Q. Do you say that there are a great many of the first people of the country away?—A. Yes; a great many banished.

Q. In banishment now?—A. Yes, sir; when Senator Cole was in San Domingo City, I stood on my balcony with him and said, "Senator, do you see that house?" "Yes." "The owner of that house is in banishment." I pointed him to another, "Do you see that house? There are two out of that house in banishment. From the house I live in, father and son are in banishment." "Do you see that house at the corner?" "Yes." "And that one yonder?" "Yes." "All the people from those houses have been banished." Said he, "You surprise me."

By Mr. HOWARD:

Q. On what consideration were these grants or concessions of lands made on the island?—A. They made concessions allowing certain time to make certain explorations; to do certain things.

Q. Grants upon conditions that were to be fulfilled by the grantees?—A. Exactly.

Q. The grantee had to do certain things before he became entitled to an absolute grant?—A. Yes, sir; if the time passed away, the grant would lapse. That is generally the nature of the grant.

By Mr. SCHURZ:

Q. What is the Fabens survey concession?—A. I do not know; I cannot tell. I did not attempt to keep the run of them. I knew the salt concessions very well.

By the CHAIRMAN:

Q. You seem to be somewhat familiar with the grant to Mr. Hatch?—A. Yes, sir.

Q. Have you ever conferred with the Secretary of State on that subject, there or here?—A. No, sir; I had nothing to do with Mr. Hatch's grant. He carried on all his own correspondence.

Q. Did you say to Mr. Fish that if that salt grant could be upheld and sustained you would do what you could to help annexation?—A. No, sir. I told him —

Q. Wait a moment. Before going further I wish to ask you another question. Did Mr. Fish reply to you that Mr. Schell and the persons holding that grant knew better than to send any such proposition to him?—A. He replied rather curtly; but now allow me to tell you how that was—I will explain it.

Q. I want first to get what you did say. Did you understand my first question?—A. Perfectly. I will tell you what he said and what I said. On leaving New York to come here, as it was known I was coming to Washington, I was called on by Frederick M. Kelley, who, it appears, is the acting agent here for the salt mines; and Mr. Kelley walked with me and talked with me going on the street till I got to the boat; and he told me to mention to Mr. Fish, "We have a strong influence in Congress, and if they will secure our salt grant we will go strongly for annexation," or something to that effect; so much as to intimate that if

the government did otherwise it might be otherwise. I did not first speak of it, but my son was with me, and he mentioned the fact to Mr. Fish in conversation. Mr. Fish turned around and said, "I never thought you would give me a message of that kind," or something to that effect; but as to my influence it was nothing. I did not care about it at all. I have no interest in the salt mine, and do not care a straw about it.

Q. Did you, or your son in your presence, say that if this government would see to it that that salt mine was protected you could bring a strong influence upon Congress to procure the ratification of the treaty?—A. I cannot repeat the exact words used. My son first spoke of it. I asked him afterward, "Why did you speak of it?" and he said, "I do not know." The substance of it was that he repeated Kelley's words, that if the government would protect the salt mine, the salt association would strengthen the annexation project very greatly through their influence, not our influence; we had nothing to do with it. We were only repeating his words. I cared nothing about it, and I was only sorry that the matter was mentioned.

Q. What was Secretary Fish's reply?—A. He seemed quite offended that such a proposition should be made. I told him it was not my proposition; I cared nothing about it. I told Kelley about it when I went back to New York, and I said to him, "Unfortunately, your communication was repeated there, which I regret very much, as it is nothing to me whatever."

By Mr. SCHURZ:

Q. There have been some interrogatories put to you in regard to your interference concerning Mr. Hatch. After Mr. Hatch had been sentenced, and his sentence had been commuted to banishment, did you then demand of Baez that he should be released?—A. I did, personally, and he told me that he should be released as soon as he could have the process drawn up properly and handed to me; that when that was finished he would be released. I believe he stated the same thing to my successor, Mr. Perry, for a long time.

Q. Did you ask him repeatedly?—A. Repeatedly.

By the CHAIRMAN:

Q. He never refused to surrender him?—A. No; he always kept putting it off.

By Mr. VICKERS:

Q. Did you consider that a mere pretext for delay?—A. A mere pretext for delay.

By Mr. WARNER:

Q. What do you know of Mr. Hatch's conduct toward Cabral's government while Baez was trying to overturn it?—A. Mr. Hatch was living there very quietly; he was very friendly with the Cabral government at that time. Sometimes he would go over to St. Thomas and bring down goods, &c. He lived a good while during the Cabral government in the city of San Domingo, and occasionally he would go down to Barahona. He was engaged there in having a railroad surveyed and other matters.

Q. Do you know of his doing anything in aid of Cabral?—A. The only aid he ever gave Cabral was this: that at the time Mr. Seward was there in the Gettysburg trying to make a treaty, the Cabral government wanted \$700, or \$800, or \$1,000, or some such amount, and Hatch loaned it to them, and had great difficulty in getting it back again.

By Mr. SCHURZ:

Q. Was Cabral then in power?—A. Yes; that was in the early part of his reign. It was in January, 1867, when Mr. Seward and Admiral Porter were there.

By Mr. HOWARD:

Q. So that Cabral was his debtor?—A. For two or three months.

Q. Were you aware that Cabral had confirmed Hatch's grant of the salt mines?—A. I recollect it perfectly well. I think the papers were lodged in the office.

Q. Were you aware that Baez had refused to confirm it?—A. I was not there during the time Baez was in power, previous to Cabral's administration. I heard that Baez had refused to confirm it, and that Hatch subsequently got it confirmed by the Cabral government.

By Mr. WARNER:

Q. What do you know of his conduct after Baez came into power, and while Cabral was trying to overthrow him?—A. I have already stated that when Mr. Baez came into power Mr. Hatch was living at Barahona, and was immediately brought up to San Domingo City, and was allowed to return and lie there quietly almost a year before we heard anything.

Q. Do you know of his aiding Cabral in any way to overthrow the Baez government?—A. Not at all. I never knew anything about it except the stories they told to try to injure him; but I placed no reliance on them. I do not think Mr. Hatch ever did anything to cause such tremendous persecution as he suffered at the hands of Mr. Baez.

Q. What was the date of Mr. Hatch being sent to Azua after you had the conversation with Delmonte, in which he assured you that Hatch should not be hurt?—A. I think about the 18th of September.

Q. How long after that were you relieved by Mr. Perry? A. On the 16th of November.
 Q. What, if anything, did you say to Mr. Perry about Mr. Hatch, and what did he say in reply?—A. I told him the whole story of Mr. Hatch, the situation of things there, as I thought it my duty to do; I told him how Hatch was situated, and I thought he had better try to get him released as soon as possible.

Q. What did you say, if anything, to General Babcock about Mr. Hatch, and what did he say in reply?—A. I said very little to General Babcock about Mr. Hatch; we talked about other matters; I did not know that General Babcock was an official until the arrival of the Tuscarora; as I mentioned, he never told me himself.

Q. What did he say to you at any time about Mr. Hatch?—A. We may have had some little talk about Hatch, but the chief conversation was on the night of the arrival of the Tuscarora, in regard to which General Babcock admits that my son called on him and asked him if he would let the Tuscarora go down for Hatch.

Q. After Mr. Hatch was sent to Azua, did you have any fear of his life at any time?—A. No; because I was assured by Delmonte that he would not be shot.

By Mr. HOWARD:

Q. You say you had a conversation with Mr. Perry about Hatch?—A. I merely told Mr. Perry the circumstances.

Q. Did Perry say anything to you about any conversation on his part with General Babcock?—A. Oh, no; we were perfect strangers. I was only there two or three days after he arrived.

Q. You spoke of Cazneau and Fabens as being "black sheep"?—A. In my estimation. That is all I mean.

Q. What is the ground of your estimation?—A. The ground is what I have heard from many persons, not so much in regard to Fabens, because he seemed to be under the control of Cazneau. I do not know so much about Fabens. He was not there the first nine months I was in San Domingo, and after that he never made it a permanent residence; he was passing to and fro all the time; but General Cazneau's reputation, with a great many people, does not stand well.

Q. What is the defect in his reputation?—A. I have heard of his antecedents in Texas, and of one thing and another. It is not for me to speak further.

Q. Has he, in San Domingo, the reputation of being a rogue in business matters?—A. There were some unfortunate schemes that they got up. There was what they called the San Domingo Cotton Company, and they got a number of poor creatures in New York to go down, under specious pamphlets, setting forth the delightful place it was. A number of poor people came there and went out a number of miles from San Domingo City, on the river, and they simply went there and died. Very few ever returned. Our then commercial agent, in his report, states that the few that remained crept into San Domingo City, and were glad to get home. That San Domingo Cotton Company was a terrible failure, and a great many lives were lost by it.

By Mr. SCHURZ:

Q. How many lives were lost?—A. I cannot tell you; 100 or 200 went down.

Q. What was the disease of which they died?—A. The fever.

By Mr. VICKERS:

Q. At what time does the fever commence there?—A. The fever is always in the country.

By Mr. WARNER:

Q. Do you know anything of General Babcock's having any interest in land grants in San Domingo, or any other money interests there?—A. No, sir. I do not know who are interested. I know that I warned that government not to make grants.

By Mr. VICKERS:

Q. What was the opinion of the people about annexation when you left there?—A. In the towns generally, particularly in San Domingo City, there are many people much in favor of it, and then again there are other men of high standing, who are positively opposed to it. How it may stand in point of actual majority, I do not know. One gentleman of very high standing said to me, "It will never answer; the fact is that Spain tried it. She came here bringing the same religion, the same language, the same vices, and what was the result? She paid immense sums from her treasury every month, and the people were not prosperous; the rents that had been \$200 a year rose to \$2,000 a year, and we were not satisfied."

O. E. BABCOCK recalled.

By Mr. HOWARD:

Question. I understand you have one or two further documents, which bear on the subject we are inquiring into?—Answer. After the signing of the treaty I started back, leaving Captain Bunce in charge of the Nantasket; there was only one man-of-war I could leave there, and this was the letter of instructions I gave to him:

JUNE 15, 1870.

"UNITED STATES STEAMER ALBANY,
"Off San Domingo, December 3, 1869.

"CAPTAIN: I have the honor to inform you that in accordance with instructions from the President of the United States I have concluded negotiations with the Dominican Republic for the lease of the bay and peninsula of Samana, and other purposes. In this negotiation the President has guaranteed to the Dominican Republic protection from all foreign intervention during the time specified in the treaties for submitting the same to the people of the Dominican Republic. For this purpose the Hon. Secretary of the Navy was directed to place three armed vessels in this harbor, subject to my instructions; two of these vessels to remain in the waters of the republic of San Domingo, the third to return to the United States with me. But two of the vessels have arrived, the Albany and your own. As it is possible that the third vessel may have been ordered to the Bay of Samana, I shall proceed there tomorrow to ascertain, and at the same time to take possession of the bay and peninsula in the name of the United States. I shall raise the United States flag on shore, and shall leave a small guard with it. Should another vessel arrive here, will you please to show the commanding officer this letter and request him to go at once to the bay of Samana and report to me. In case I am not there with the Albany, I will leave with the guard there a letter of instructions.

"You will please make the south side of this island your cruising ground, making this place your headquarters. You will please extend to President Baez and the officials here such courtesies as you may think best. Should you find any foreign intervention intended, you will use all your force to carry out to the letter the guarantees given in the treaties.

"The Dominican Republic fear trouble from the Haytian border about Jacmel. You will please inform the people, in case you are satisfied there is an intended intervention, that such intervention, direct or indirect, will be regarded as an unfriendly act toward the United States, and take such steps as you think necessary.

"I have requested President Baez to notify you through our commercial agent, Mr. R. H. Perry, if he has any information of service to you. Will you please to communicate often with the authorities here, and forward from time to time to Washington all information you may think useful to your government?

"I suppose that it is the intention of the Navy Department to place the two vessels here under the admiral commanding the Gulf squadron.

"In the execution of this duty you will have to act upon your own judgment, as it is impossible to anticipate all the circumstances which may arise. You will please regard this communication as confidential, except the part relating to the lease of the bay and peninsula of Samana.

"You will use steam in all cases where needed. I will request the Navy Department to provide you a supply,— at an early day.

"I am, sir, your obedient servant,

'O. E. BABCOCK,
"Secretary.

"Lieutenant Commander FRANCIS M. BUNCE, U. S. N.,
"Commanding U. S. S. Nantasket, off San Domingo."

By Mr. SCHURZ:

Q. Is that from your own copy-book?—A. That is from a memorandum I kept at the time; had no book with me. When I got to Samana I found that no other vessel had arrived, and so I wrote this letter and left it there to be given to the commander of any vessel that might come in:

"UNITED STATES STEAMER ALBANY,
"Bay of Samana, December 7, 1869.

"SIR: The inclosed letter of instructions will serve to guide you, if assigned to the duty referred to. Will you please to make the north side of the island your cruising ground, making Porto Plata your headquarters? The remark made in the letter to Captain Bunce about the Haytian border at Jacmel, applies equally to the Haytian border at Cape Hayti. Will you please to visit that place and give the authorities there the same information about any intervention, if you think there is an intended intervention from that place? You will have to use your own judgment in the execution of this duty. I know that it is the wish of the President to give them full protection against foreign intervention.

"I am informed that our government has coal at Cape Hayti; if so, and you can arrange it so as to exchange cruising ground with Captain Bunce to enable him to coal, you will please do so.

"I am, sir, your obedient servant,

"O. E. BABCOCK,
"Secretary.

"To the commanding officer of any United States naval vessel arriving here."

JOHN SOMERS SMITH recalled.

By Mr. SCHURZ :

Question. Do you know whether General Babcock carried any dispatch from the Baez government in relation to Mr. Hatch ?—Answer. I heard so.

Q. From whom did you hear it ?—A. From Captain Queen.

Q. What did Captain Queen tell you ?—A. The Tuscarora and the Tybee sailed the same afternoon. They left the harbor together, and three weeks afterward Captain Queen returned. The first words he said to me on meeting me were, " You need not give yourself any more trouble about that man, for General Babcock has carried the proofs of his guilt in black and white."

Q. Whom did he mean, Hatch ?—A. Mr. Hatch. I said to him, " How do you know it ?" Said he, " We were outside the port and General Babcock signified his wish to communicate to me," and Captain Queen told me, in the presence of my son, that he got that information from General Babcock.

By Mr. VICKERS :

Q. Where is your son now ?—A. At San Antonio, Texas.

By Mr. SCHURZ :

Q. Did you communicate that to Mr. Fish, the Secretary of State ?—A. I communicated it to Mr. Fish in a dispatch, stating the facts that Captain Queen had related to me; and I said that I deprecated the conduct of any Americans—alluding not only to General Babcock, but likewise to Mr. Cazneau and others—who, if they could not aid an unfortunate countryman in a dilemma, would participate in any way with his enemies in endeavoring to crush him, or something to that effect. I wrote warmly to Mr. Fish about it.

Q. Do you know what the population of the Dominican Republic is ?—A. There were two Elements of Geography published in San Domingo City after the evacuation of the Spanish; one in 1866, I think, and the other in 1867; one by Marini, and the other by Gareda. Marini gives the population at 213,000, and Gareda estimates it at about 300,000.

Q. Have you any information yourself ?—A. No further than what I gleaned from the people. I talked with Felix Delmonte about it at the time I received the dispatch in relation to Mr. Fabens going there. Mr. Delmonte estimated the population at about 300,000. I myself, though, do not think there are over 200,000.

Q. Do you think there are as many as that ?—A. About 200,000, I think.

Q. You said something yesterday about Mr. Cazneau's settlement enterprise having enticed a great many emigrants there ?—A. Yes, sir.

Q. When was that ?—A. In 1863, I think. There was a scheme got up in New York, called, I believe, the New York and San Domingo Cotton Company, and a great many people were induced to go out.

Q. Do you know how many people went out there ?—A. I do not.

By the CHAIRMAN :

Q. Do you know anything about it except what you heard there ?—A. There is evidence in the consular records there, that nearly all that went out found no kind of settlement and died of fever or escaped.

By Mr. SCHURZ :

Q. Do you know anything about the mines of San Domingo ?—A. There are, no doubt, strong indications of mines. There has been some little gold gathered in particles by the country people; but I never saw any evidences of any quantity of gold during the time I was there. There are strong indications of copper.

Q. Did you know of any professional miners going there ?—A. Yes, sir.

Q. Did you know whether a Mr. Rice and a Mr. Packer went there ?—A. I knew both Rice and Packer; they were invited out there to search for gold in the Jaine River. Mr. Rice was an old California miner, a man I suppose of fifty-five or fifty-six years of age, and Packer was a young man. They prepared their cradles in San Domingo City; went out and cradled for gold, and returned to San Domingo City about ten days afterward, and in my office said the whole thing was a humbug.

By Mr. VICKERS :

Q. You spoke of the fever in San Domingo as existing through the year ?—A. Yes, sir.

Q. What is the character of the fever, and can a white man labor in the open air ?—A. The fever is of an intermittent character; I do not think white labor can survive to cultivate the land; free labor by whites will not answer in San Domingo.

By the CHAIRMAN :

Q. Do you say that free labor will not do there ?—A. Free white labor.

By Mr. VICKERS :

Q. What are the productions of the country ?—A. The chief productions are in the pro-

vinces of Seybo, La Vega, and Santiago. They raise a large crop of tobacco, some seventy or eighty thousand caroons. That is the most valuable product. There is some little coffee raised in the same provinces, and some little in the province of San Domingo, at San Christobal, but not more than sufficient for the consumption of the country. There are twenty-five thousand quintals of sugar raised in the province of Azua, and a little in San Christobal, in the province of San Domingo, but they do not export half of it, not above ten thousand quintals; the rest is consumed in the country.

Q. Do they cut wood?—A. A great deal of wood is cut near the coast. There is an abundance of wood, but in the interior there is no means of communication so as to bring it to market.

By Mr. HOWARD:

Q. What kind of wood?—A. Mahogany, logwood, lignumvitæ, and a variety of cabinet woods.

Q. Do those woods grow there luxuriantly?—A. Luxuriantly; and in the interior, in the province of La Vega, there are immense pine forests, but they are utterly unavailable; there is no more use made of them than to get a pine knot to make a torch. They are entirely inaccessible for want of communication. There was a saw-mill in that quarter, but the parties had to give it up.

By Mr. VICKERS:

Q. What is the intellectual condition of the people in the country?—A. In the country they are entirely ignorant; in the interior, perhaps, not one man in fifty can read or write.

Q. Are they an excitable people, and ready to follow any general or leader in any revolutionary movement?—A. Yes, sir; you can see that by the constant revolutions they have had.

Q. Did you communicate to General Babcock that you had no fear of the life of Mr. Hatch?—A. General Babcock's interviews with myself were very limited, and I did not know that he was an officer of the government until the arrival of the Tuscarora, as I mentioned last night. Everybody knew my sentiment. I did not think for one moment that Mr. Hatch was a guilty man, in any way.

Q. Did you communicate to General Babcock that you had no fear for his life?—A. No; I did not know it when he went away. It was subsequent to his departure that I got that information.

Q. Did you see General Babcock on his second visit?—A. No; I had left there two days previous to his arrival.

By the CHAIRMAN:

Q. Were you ever at Azua?—A. I never went down there.

Q. Were you ever at Barahona?—A. No.

Q. Did you go into the country at all?—A. Only in the neighborhood of San Domingo City.

By Mr. VICKERS:

Q. What is the population of San Domingo City?—A. Some put it down at 7,000, others at 10,000. I think it must be at least 8,000. It is a city large enough to contain 30,000 or 40,000 inhabitants.

By Mr. HOWARD:

Q. Is the population chiefly black?—A. Most of them black; but a good many colored people, and some almost white.

By Mr. WILLIAMS:

Q. When did Delmonte tell you that you need have no apprehensions that Mr. Hatch would be harmed?—A. The night he was ordered to be taken down to Azua.

Q. Was that before or after General Babcock left?—A. After. That was told me in confidence.

By Mr. HOWARD:

Q. Were you in the habit of giving bills of health to vessels clearing from the port of San Domingo?—A. Of course to those coming from the United States I gave all the bills of health.

Q. Did you ever give anything but a clean bill of health to a vessel from that port?—A. I think not. I think there was no epidemic at the time I was there.

Q. If there had been any great disease there, you would not have given a clean bill of health?—A. Certainly not.

J. W. FABENS called.

Mr. HOWARD. Mr. Fabens, we have invited you before this committee for the purpose of hearing some statements from you, if you see fit to make them. I suppose you are entirely aware of the rules of international law in respect to your privileges.

Mr. WARNER. Has Mr. Fabens been sworn?

Mr. HOWARD. He has not been. I suppose it is entirely discretionary with Mr. Fabens whether he will make any statement before us, or whether he will be sworn. I take it, the law leaves it entirely to his discretion. We have no right to call him as a witness; I do not think we have any right to swear him as a witness; and I take it, the law leaves it to his discretion whether he will make a statement or whether he will not, or whether he will be sworn or not. You can say, Mr. Fabens, what you will do.

Mr. FABENS. I am perfectly willing to make a statement and be sworn here.

Mr. HOWARD. Are you willing to be sworn?

Mr. FABENS. I am.

Mr. SCHURZ. Are you willing to submit to any cross-examination?

Mr. FABENS. I am willing to submit to any examination that does not imply any exposure of state secrets, such as conversations that may have occurred with the Secretary of State, or the President, without their previous consent.

Mr. SCHURZ. What you consider state secrets in your discretion?

Mr. FABENS. Yes.

Mr. HOWARD. Of course he must be allowed that discretion.

The CHAIRMAN. He has the same privilege that Mr. Fish had about that.

Mr. HOWARD, (to Mr. Fabens.) You can be sworn or make your statement without oath, as you prefer.

Mr. SCHURZ. As the committee are aware, I objected to Mr. Fabens's examination, under such circumstances, and I wish that objection to go on record.

The CHAIRMAN. A general objection to swearing him?

Mr. SCHURZ. No; an objection to his examination if he has any state secrets to reserve.

Mr. HOWARD. Will Senator Schurz be good enough to state a little more definitely what his objection is?

Mr. SCHURZ. I object to Mr. Fabens being examined at all, if he cannot be cross-examined with entire freedom, and if he has any reservations to make concerning important points in this investigation.

Mr. VICKERS. It is understood, I believe, that Mr. Fabens has not been summoned as a witness.

The CHAIRMAN. He has been requested to come.

Mr. HOWARD. Invited to come before the committee?

Mr. SCHURZ. I understood at first that Mr. Fabens had offered himself as a witness.

The CHAIRMAN. No; I requested him to come.

Mr. WILLIAMS. I submit to the committee that as this is a proceeding on the part of the government of the United States to hold the Dominican government responsible for its treatment of Mr. Hatch, accompanied with a claim for damages on that government, Mr. Fabens, as the representative of the Dominican government, should be allowed, on behalf of his government, to state to this committee whatever he pleases in reference to Mr. Hatch, or matters connected with his claim. I think his government is entitled to be heard on this question.

Mr. HOWARD. I think so. And he may do it either with or without oath, as he pleases.

Mr. WILLIAMS. I think it is discretionary with him to submit himself to any examination or not; but he may make such statement to this committee as he sees proper, on behalf of his government, in reference to this matter of damages.

The CHAIRMAN. It must be so, as we are trying that government, apparently.

Mr. HOWARD. Of course.

The CHAIRMAN. Now, I will ask Mr. Fabens whether he will be sworn, or whether he will make his statement without oath.

Mr. WILLIAMS. I think he had better go on and make his statement.

Mr. HOWARD. The Secretary of State was not sworn.

Mr. WILLIAMS. I move that Mr. Fabens proceed to tell us what he sees proper about the case of Mr. Hatch.

The CHAIRMAN. That will be understood to be the sense of the committee.

Mr. HOWARD, (to Mr. Fabens.) Were you acquainted with Davis Hatch?—A. I was.

Q. Where did you first know him?—A. I first knew him in San Domingo City.

Q. At what time?—A. I think it was in 1865.

Q. In what capacity was he acting at that period?—A. He was representing a salt interest, a concession from the Spanish government to some New York gentlemen of a salt mine near Neyba.

Q. Was your acquaintance with him intimate or casual?—A. It was pretty intimate.

Q. Where did he reside at that time in San Domingo?—A. At the capital, San Domingo City.

Q. Was that the only branch of business he was engaged in?—A. That was all he was engaged in at that time that I am aware of.

Q. Were you in San Domingo in 1868 and 1869?—A. I was there in the early part of 1868. I left there on the 20th of April, 1868, I think, and came here to Washington.

Q. State whether you are a native of the United States, and whether you are an American citizen, or whether you have laid aside your nationality.—A. I am a native of the United States, and an American citizen.

By the CHAIRMAN :

Q. Of what State are you a native?—A. Massachusetts.

By Mr. SCHURZ :

Q. Are you now the minister plenipotentiary of the Dominican Republic?—A. I am.

Q. Are you a Dominican citizen?—A. I am not.

By Mr. HOWARD :

Q. I find this statement made by Mr. Perry in a letter to the Secretary of State of the United States, dated June 7, 1870, to which I wish to call your attention :

"I sailed on the steamer Tybee on the 3d day of November, 1869, for San Domingo, and met on the voyage Mr. Fabens, who was full of his accounts of the rascality of a Mr. Hatch, and expressed a wish I should not release him on my arrival at San Domingo, as he was an enemy to Baez and annexation, and also to himself and Cazneau; and that he (Fabens) and his friend Cazneau, as he represented, a man of great wealth and influence in San Domingo and at Washington, would indorse me; that I had a great opportunity for making a rapid fortune, &c."

State to the committee what you may think proper to say on the subject of that allegation in Mr. Perry's letter.—A. There is no truth in it at all. I cannot, of course, recollect all the conversations that may have occurred on the ship going down; but I am satisfied that there was no conversation of that nature, nothing of that character in regard to Hatch, as at that time I was convinced that Mr. Hatch was at liberty. Neither did I ever understand that Mr. Hatch was opposed to annexation or would under any circumstances do anything to retard it.

By Mr. SCHURZ :

Q. Did you have any conversation with Mr. Perry about Mr. Hatch?—A. I do not recollect mentioning the name of Mr. Hatch on that voyage.

Q. Do you recollect what your conversations with Mr. Perry were, about Hatch?—A. I do not distinctly—I cannot call them up.

Q. So you only say that, although you do not recollect what your conversations were about him, this statement is not correct?—A. Yes, sir; I am satisfied that this statement is not correct.

By Mr. HOWARD :

Q. Please give your reasons for that belief in your own mind, if you have any?—A. My reasons are, as I have stated, that I had no grounds for believing that Mr. Hatch was detained at that time, and I had no such feelings toward Mr. Hatch; I did not suppose that he could influence the question of annexation, or was disposed to do so, unfavorably.

By Mr. SCHURZ :

Q. Do you say that you had no knowledge of Mr. Hatch being detained?—A. At that time I understood, not that he had been pardoned, but that his sentence of death had been commuted to banishment; that is the information that I had received.

Q. Had you any knowledge of the imprisonment and trial of Mr. Hatch?—A. I heard of it; I was in the States at the time; I was in New York.

Q. Were you in San Domingo in July and August, 1869?—A. I was in July and a portion of August, I think.

Q. Did you then hear anything about Mr. Hatch?—A. I heard that he was arrested.

Q. What were your relations with Mr. Hatch at the time?—A. My relations were friendly enough; my acquaintance with Mr. Hatch and his associate was a friendly one always.

By Mr. HOWARD :

Q. In Mr. Perry's letter of the 7th of June there is another allegation to which I wish to call your attention, as follows :

"The night the Albany sailed with General Babcock for Samana from San Domingo, Fabens and Cazneau brought in a paper for lands at Samana; they wished me to certify to their signature as correct. I did so; at the same time remarking that they were commencing business very soon, as the treaty was signed that day. They asked me to say nothing about it. Fabens and all hands sailed on the Albany that night for Samana, where Fabens was left as agent of the United States, in charge of the flag and naval coal yard, where he is receiving lumber and goods free of all port charges, representing them as government property, underselling all others engaged in business at Samana. Americans and Dominicans at Samana have complained about this and other matters to me."

Have you any reply to make to that allegation of Mr. Perry's letter?—A. Yes, sir; it is altogether a misrepresentation. The paper certified to by him on the evening that I went on board the Albany, some four or five days after the signing of the treaty, was a power of attorney from Mr. Cazneau to me, transferring his power from Mr. L. K. Welton, of New York, who was the owner of some town lots in Samana, to look after that property for Mr. Welton and his associates. That was the paper. The certificate of the commercial agent

was to the signature of Mr. Cazneau. There was no signature of mine on the paper. It was a transfer to me of his power of attorney from Mr. Lewis K. Welton, of New York.

Q. Was that the only paper to which Perry certified?—A. The only paper.

Q. Now, about the port charges at Samana. What connection had you with Samana Bay?—My connection with that bay was that I receipted for the flags to the commander of the Albany, and received the funds to pay the men who were enlisted to take charge of the flag. The coal ships were instructed to report to me, which they did, by order of the Navy Department. Of course they entered free of port charges. The only other consignment or vessel which I received was a vessel which belonged to the steamship line, which also was free of port charges by their steamship convention, by order of the Dominican government. This was a steamship convention made with the Dominican government for the running of the steam line, and, by the terms of the convention, all vessels bringing goods for the steamship line entered free of all port charges. This vessel brought some lumber, a portion of which was reserved for a coal shed over the coal on the island where the United States coal depot is established. My instructions from the Navy Department were to select a suitable place for a coal station and look after the coal, and a portion of this lumber was placed on the island and reserved for that purpose.

Q. Here is a more particular allegation, "that he (Fabens) is receiving lumber and goods free of all port charges, representing them as government property, underselling all others engaged in business at Samana." What do you say to that?—A. There has been no sale of any goods to Americans or Dominicans at Samana of any government property. If there have been any goods of the steamship company sold to anybody at Samana they have paid the regular duty, in accordance with the terms of the steamship convention, which is on file at the State Department here.

Q. Do you know anything about Mr. Cazneau presenting a petition to the senate of San Domingo on the 29th of April, 1870, for grants or concessions of land to be made to him or others?—A. I do not.

Q. Have you any knowledge on that subject?—A. I have not.

By Mr. SCHURZ:

Q. Do you know anything of a petition being presented for Mr. Cazneau to the senate?—A. No, sir; I do not. I presume what is referred to may be a colonization grant given to William L. Cazneau, for introducing colonists on the frontier of the republic, made on the 28th of May, 1866—I think that was under President Cabral—confirmed and amplified on the 10th of September, and 15th of October, 1869. I suppose that is what is referred to. That figures in the list of grants and concessions, a copy of which is on file at the State Department. I have here a list made out up to the 18th of April last.

By Mr. HOWARD:

Q. Have you any objection to our looking into that list?—A. I have not. It contains, I believe, a full list of all grants and concessions up to April 18, 1870; and I can safely affirm that none have been made since or proposed since, and nothing has been made or proposed since the signing of the treaty on the 29th of November.

(The document was produced.)

Q. This document appears to be in Spanish. Have you a translation of it?—A. I have not here. There is a translation, I think, at the State Department.

Q. Can you give us a sketch of *its tenor* without the trouble of translating it all?—A. Yes, sir. It is a list of concessions which have been made by the Dominican Republic to individuals and companies. First, a concession made to Mr. William L. Cazneau for the introduction of a number of immigrants into the provinces of San Domingo and Azua, and the establishment of settlers on the frontier line of the republic. Contract made May 28, 1866, confirmed and amplified the 10th of September and 15th of October, 1869. Second, concession made to Mr. Davis Hatch on the 27th of September, 1866, for the working of mines of rock salt in the district of Neyba, and the building of a railroad from the shore of Barahona to the point where said mines exist.

By the CHAIRMAN:

Q. Is that concession still in force.—A. It is still in force. I have a copy of the concession. It was confirmed by the government of President Baez. Third, concession to Mr. J. W. Fabens for a geological examination and general mineralogical exploration in all the provinces and districts, made on the 3d of July, 1868, and which are being carried on under the direction of Professor William M. Gabb, of Philadelphia, as geologist in chief.

By Mr. SCHURZ:

Q. Were there any rights accruing to you or grants of land in consequence or by virtue of this survey?—A. Yes. For this survey I was to be paid in lands. I was authorized to make this survey, and to form a company for the purpose of making it in a proper manner; and as I considered the concession a very good one, I was desirous that it should be carried out. I took the precaution at that time of sending a copy of the concession to the State Department at Washington, and getting the views of our government upon it. I received

in reply a letter advising me of the receipt of the contract, and giving me the opinion of the American government as to the character of it.

Q. To what extent were you to be paid in lands for that survey?—A. There is a copy of this in the State Department which will show.

Q. You can make a statement of it if you choose?—A. We were to receive one-fifth of all the public lands. A copy of the contract is in the Department of State. I have the letter of Mr. Seward expressing his views of it, to which I have just alluded.

By the CHAIRMAN:

Q. Will you read that letter?—A. It is as follows:

“DEPARTMENT OF STATE,

“Washington, August 19, 1868.

“SIR: Your letter of the 14th instant has been received, with its accompaniment, namely, the copy of a contract which has been made between yourself and the Dominican government for an exploration and geological and mineralogical examination of the different provinces and districts of the Dominican Republic. The contract seems to be a fair one and yet one which is marked with sagacious liberality on the part of the Dominican government. If its provisions should be executed, it cannot be doubted that the results would be useful, not only to the Dominican government but also to commerce and civilization in the West Indies generally.

“It is especially gratifying to see that citizens of the United States take so deep an interest in developing the resources of a sister republic.

“The executive branch of this government has no lawful authority to assume any control, direction, or regulation of the proceedings which are contemplated by the contract. Nevertheless I have cheerfully caused the same to be carefully translated and filed in the archives of the Department of State, and I return the original herewith agreeably to your request.

“I am, sir, your obedient servant,

“WILLIAM H. SEWARD.

“Colonel J. W. FABENS,

“90 Broadway, New York.”

By Mr. HOWARD:

Q. Please go on and state the rest of that list.

A. 4th. The convention celebrated with Mr. R. M. Funkhouser on the 7th of October, 1868, for the establishment of a line of mail steamers between the ports of New York and New Orleans and those of the republic, for which the republic shall pay fifteen per cent. of the duties of exportation on the merchandise carried by said steamers.

5th. Permission granted to Mr. Pedro Antonio Delgado to take guano from Alta Vela, (annulled by decree of the government, with the consent of the consulting senate and given to Mr. Edward H. Hartmont, for the exportation of guano, in connection with or in relation to a loan.)

6th. Concession made to Edward H. Hartmont on the 1st of February, 1869, for the construction of a railroad from Monte Christo to Santiago or from Santiago to Yuna, relative to which there shall be a grant of lands along the side of the road; the purport of a special concession. I believe that concession has never been made; I think that has lapsed; I so understand.

By Mr. SCHURZ:

Q. How large was that grant of land to be?—A. I do not know, indeed; I think it is not agreed upon; I do not find anything upon the subject; I believe I have a copy of that original grant here.

By the CHAIRMAN:

Q. I believe it is conceded that it has lapsed?—A. Yes, sir; work was to have been commenced within a year, and it was not.

7th. Concession made to Messrs. Edward Prime and Edward P. Hollister, of the date of July 4, 1869, for the establishment of a national bank, amplified on the second of September of the same year.

8th. To Mr. Edward H. Hartmont, in case of realizing a loan of £420,000 sterling, a grant for the working of the coal mines of Samana, made May 1, 1869.

9th. Concession to Frederick H. Fischer, of the city and State of New York, to build a railroad from the city of Santiago de los Caballeros to the mouth of the river Yuna, or some other port of the peninsula of Samana, 9th September, 1869.

Q. Is that in force now?—A. Yes, sir; that was made on the 9th of September last to Fischer; he is a North German by birth, I believe.

10th. Concession made to Señor Felix Monticatilina, 3d August, 1867, for building a railroad from the mouth of the Ozama to Cuajo Medina, district of San Christobal, amplified and remodeled in favor of Mr. F. Schumacker and Lewis P. Angenard, who had become possessed by a contract made in Baltimore 22d January, 1868, in accordance with their petition

of 12th July, 1869. This concession was made and amplified and remodeled in favor of those gentlemen, in accordance with their petition of July 12, 1869.

Those are all the concessions. Now follow some mining grants, which are in accordance with the mining law:

1st. To the Society of Industrial Progress—that is, a society of young gentlemen in San Domingo, young Dominicans—a copper mine in the department of Cobre and district of San Christobal, 5th November, 1866.

2d. Concession to William L. Cazneau of a copper mine at Monte Mateo, in the section of Cambita, district of San Christobal, 18th January, 1867.

3d. Concession to William L. Cazneau of a mine of copper in Maño Malney, section of Cambita, district of San Christobal, July 12, 1869.

By Mr. SCHURZ:

Q. Are there not land grants with these concessions of mines?—A. Yes, sir; there is a certain amount of land given.

Q. Is it a large amount?—A. It is not what we should call a large amount; a small amount.

Q. Have you an estimate of it?—A. I have not. It is fixed by the law of the republic; so much land properly belongs to a mine.

By Mr. VICKERS:

Q. Is it a thousand acres?—A. No, sir.

By Mr. SCHURZ:

Q. Have you a general idea as to how large those land grants connected with mines are?—A. I have not

By Mr. HOWARD:

Q. Is it regulated by law?—A. Yes, sir; entirely.

Q. A certain quantity to be given to every man who works a mine?—A. To any person who may discover and denounce, as it is termed, a mine and work it. The mine must be worked under certain conditions, or the title lapses.

Q. Go on with the paper.—A. It continues:

4th. Concession to William L. Cazneau, in the department called Mountain of the Boca de Diamarte, in the province of San Christobal, July 12, 1867.

5th. Concession to Messrs. Combiasso & Co., for working copper in the district called Boca de Cuajo, section of Medina, Upper Jaina, province of San Christobal, October 24, 1867.

6th. Concession to the company called the San Domingo Company—that is the survey company.

By Mr. SCHURZ:

Q. Your company?—A. Yes, sir; we are doing business under the name of the San Domingo Company. This concession is of a mineral perimetro called Buenaventura, situated in Jaina Aroba, in the district of San Christobal, in payment of the geological work done in the province of San Domingo, and in accordance with the contract of July 8, 1868.

By Mr. HOWARD:

Q. Is that the whole of the paper?—A. Yes, sir.

Q. I suppose none of these grants are made in fee simple, according to the English or American law?—A. They are made in absolute fee, I believe.

Q. Are not the concessions made upon certain conditions, subsequently to be performed by the concessionee?—A. The mining concessions are.

Q. Conditioned that he shall perform subsequently to the date of the grant certain duties imposed upon him by the terms of the grant, such as making certain improvements, doing this, and doing that?—A. Yes, sir.

Q. Is not that also the character of the concessions of ordinary agricultural lands, that the party shall settle and improve the lands within some time fixed after the date of the grant?—A. Yes, sir.

Q. And in case he fails to perform these conditions the concession lapses to the government?—A. Yes; that is the case.

By Mr. VICKERS:

Q. What is the usual condition of a grant for mines?—A. That they shall be worked in accordance with the rules of mining; that they shall not be left for any length of time; that the work shall not be at any time in a dangerous condition; and that the rights of neighbors shall not be interfered with.

Q. Suspended for so long a time. How long?—A. I think a suspension of six months works a forfeiture; but I am not quite clear on the point.

By Mr. SCHURZ:

Q. Are you interested in a copper-mining company?—A. I have some small interest there.

Q. Do you know how large the grant of land is connected with that copper mine?—A. I do not at this moment.

Q. Can you not form an estimate?—A. There were three mines, I think.

Q. Three that you were interested in?—A. Yes, sir.

By Mr. VICKERS:

Q. Are the lands connected with the mines suitable for agricultural purposes?—A. There are some in the neighborhood.

By Mr. SCHURZ:

Q. You spoke of the conditions attaching to mining grants, what conditions are attached to the agricultural land grants?—A. That the land shall be occupied and improved within a certain time. There is a law of the republic on that subject.

By Mr. HOWARD:

Q. Is there not a law also that the concessionee shall make a return of the survey of his grant to some proper office within a given time?—A. I think there is.

By Mr. WARNER:

Q. Are the grants which are made in aid of railroads conditioned on the railroads being built in a certain way and a certain time?—A. Yes, sir; they are made on the condition of the work being commenced within a certain time, and completed within a certain time, and being constructed according to certain rules.

By Mr. HOWARD:

Q. What is the condition of the trade and commerce of the island? Of course I expect you to answer in very general terms.—A. The exports, I suppose, will reach, in a fair year, the sum of \$2,000,000 in value. The great staples exported are tobacco, sugar, a little coffee, not much; very little cotton.

Q. Precious woods?—A. Woods—mahogany, satinwood, lignumvitæ, fustic, logwood, &c.

Q. In whose hands is this trade mainly at this time?—A. The great bulk of the trade on the north side of the island is in the hands of the Germans. The north side is the great productive portion of the island.

By Mr. SCHURZ:

Q. Germans residing in the cities?—A. Yes, sir; they buy and ship most of the crop.

Q. Are there any Germans tilling the soil there?—A. I do not think there are many. There may be some few on the north side, in the tobacco region.

Q. After you left San Domingo for the United States, in September, and arrived in this country, did you, while in this country, get any knowledge of Mr. Hatch?—A. Nothing very definite. I heard by private letter, and saw in the newspapers, that Mr. Hatch had been sentenced to death, and pardoned by the President of San Domingo.

Q. You say you heard that by private letter. Did that private letter also state that he was not released?—A. No. My impression is that that letter stated that he was to be released; that he was pardoned and was to be banished.

Q. Have you any objection to telling from whom that private letter was?—A. No, sir. That private letter was from General Cazneau.

Q. And he did not inform you that Mr. Hatch had not yet been released?—A. He did not. I think I gathered from the letter that that was the end of the Hatch matter; that he was pardoned and would be sent out of the island.

Q. Did you have any conversation about Mr. Hatch here with persons connected with the government, while you were here, previous to your departure from this country, with Mr. Perry, for San Domingo?—A. No, sir.

Q. Did you have any conversations with General Babcock about Mr. Hatch?—A. None at all.

Q. You say that you received consignments of goods through the Spofford & Tileston steamers at Samana Bay?—A. No, sir. I think I did not state that, I did not intend to state that.

Q. Did you not say that you received consignments of lumber?—A. No; I said that one vessel came there with lumber for the steamship company, which lumber was to be used for the steamship company. She brought out a regularly certified manifest from the Dominican consul general, and in accordance with the steamship convention, entered her goods for the steamship company. I had nothing to do with it in any way, except that, as a friend of the parties, I received it, and there it is.

Q. So you received no consignment of goods at all; is that what you want to state?—A. Yes, sir; no consignment of goods for sale in Samana. I received some goods for the steamship company, which I placed in warehouse for the company, and some cargoes for the government.

Q. Was any of the lumber that arrived there for the company sold?—A. If any was sold the duty was paid on it at Samana. There was some little ceded to one or two parties; some for a church, and I think some for some other party. As lumber was very scarce they asked permission to have some of this lumber granted to them. It was not offered for sale and was not for sale. It was granted as a favor, and they paid cost and freight.

Q. Was there not a cargo of lumber arriving from Maine about the same time?—A. I think not. There was a small schooner arrived—the Village Belle. She may have been from Maine.

Q. About the same time?—A. I do not know about that. Perhaps nearly the same time. Q. Had you any instructions from General Babcock in regard to what you should do at Samana?—A. No, sir.

Q. Can you tell us anything about the paper currency of San Domingo?

The WITNESS. Of what nature, sir?

Mr. SCHURZ. We understand that there is considerable amount of paper currency in the hands of the people, issued by the government of San Domingo; which is quoted at a very low rate.

The WITNESS. That there is any now in the hands of the people?

Mr. ———. It is stated so.

The WITNESS. I think there is none in the hands of the people now. By the government decree of the 11th of February—I think I have a copy of it here—all that paper currency has been called in. It was all in on the 11th of May.

By Mr. HOWARD:

Q. Called in and redeemed—retired?—A. Retired from circulation at a rate entirely acceptable to the people.

By Mr. SCHURZ:

Q. So there is no government paper currency at all in the hands of the people now?—A. I understand there is not.

Q. Were you sent down to San Domingo by our State Department some time in March, 1869?—A. In February, 1869, I went to San Domingo in accordance with the desire of the Committee on Foreign Affairs of the House of Representatives, to obtain some information.

Q. Will you state under what instructions you went?—A. They are somewhat lengthy, and I have not a copy with me.

By Mr. HOWARD:

Q. Had you instructions in writing from the committee?—A. I had a general letter from General Banks, stating the kind of information the committee more particularly desired. That letter, however, I think, was directed to the Secretary of State, and upon that the Secretary of State asked me to go.

Q. You say that letter was addressed by General Banks to the Secretary of State?—A. Yes, sir.

Q. And then the Secretary of State requested you to go to San Domingo?—A. Yes, sir.

By Mr. SCHURZ:

Q. Did that letter constitute your instructions?—A. Yes, sir. The letter specified the points of information desirable to be attained.

By Mr. HOWARD:

Q. And that was adopted by the Secretary of State as the basis of the information which you were to obtain?—A. Yes, sir.

Mr. SCHURZ. I have the letter before me, and as it is quite short, I will read it:

“HOUSE OF REPRESENTATIVES,
“COMMITTEE ON FOREIGN AFFAIRS,
“Washington, D. C., February 15, 1869.

“MY DEAR SIR: It would very much aid the consideration of the San Domingo question now before the Committee on Foreign Affairs, if a complete official statement could be made of the present financial and political condition of the republic. The subject has come so suddenly before us that we have not had time to reconcile the conflicting statements which are represented as coming from the agents of the republic.

“Mr. Fabens informs me that it will be his aim to obtain a full and exact report, and I think it would be in all respects advantageous to have it. As Mr. Fabens is our accredited agent, I would suggest sending him to San Domingo for that purpose.

“It ought to be definitely ascertained, also, if any transfers of territory, or perpetual or other franchises to private individuals or corporations have been granted or are contemplated by the government of San Domingo, as such transfers, if made to any extent, would endanger the project for annexation, even after it had been approved by Congress.

"In the mean time, the examination of the question here, with such information as we have, will be continued.

"Your obedient servant,

"N. P. BANKS,
"Chairman, &c.

"Hon. WILLIAM H. SEWARD,
"Secretary of State."

Q. Is that the instructions you referred to?—A. I suppose that may be considered as embodying all the written instructions.

Q. He says you were then the accredited agent of the United States. How is that?—A. That is a misprint. He did not state that in the letter to the Secretary of State.

Q. Were you instructed to investigate the financial condition of the Dominican Republic?—A. Yes.

Q. You did go?—A. I did.

Q. How long did you remain in San Domingo then?—A. I remained there about a week.

Q. Did you bring back with you a statement of the debt of the Dominican Republic?—A. Yes, sir.

Q. What was the footing up of the debt, do you remember?—A. The paper is on file in the State Department certified by the minister of foreign affairs.

Q. Was it not \$600,000 or a little over?—A. I think it was. It was the amount of the debt as they estimated it at that time.

By the CHAIRMAN:

Q. Did you at any time or in any way exert yourself for the continued confinement of Mr. Hatch?—A. No, sir, never; I should have been glad to see Mr. Hatch released at any time.

By Mr. VICKERS:

Q. Did you make any effort to obtain his release?—A. I do not know that I interfered at all in the matter.

Q. Were you at San Domingo when the treaty was negotiated?—A. Yes, sir.

Q. Did you take any part in the negotiations?—A. I was present at the interviews, and occasionally I assisted in translating at the request of General Sackett.

By the CHAIRMAN:

Q. You had no official connection?—A. No official capacity. I was merely present as a friend of President Baez.

By Mr. SCHURZ:

Q. Have you any knowledge of the reasons why Mr. Hatch was not released after he had been pardoned or after his sentence had been commuted to banishment?—A. I have no personal knowledge.

Q. Did you ever have any conversation with Dominican officials on that point?—A. No, sir.

Q. Did you never have any conversation with Mr. Cazneau on that point?—A. I do not recollect having any, or conversing on that subject with him.

By Mr. VICKERS:

Q. You heard in the United States that Mr. Hatch had been convicted and pardoned?—A. Yes, sir.

Q. On your return to San Domingo you found that he was still in prison?—A. Yes, in prison at Azua.

Q. Did you make any inquiry why he was detained?—A. I do not know that I did. I had a general impression that he was detained as a man dangerous to the peace of the republic.

Q. But he was to be exiled. Could he be dangerous if he was exiled? Was that the understanding?—A. The Dominican authorities might have taken that view of it, possibly.

Q. Do you know that they took any such view?—A. I do not know.

By Mr. SCHURZ:

Q. Was it never intimated to you that Mr. Hatch was detained because it was thought he would use his efforts to defeat the annexation project?—A. No, sir, I never heard that intimated.

By Mr. VICKERS:

Q. You are an American?—A. Yes, sir.

Q. You knew that Mr. Hatch was detained after he had been pardoned and made no effort at all—made no suggestion at all—to the President of the republic?—A. I did not consider that it was my duty or privilege to interfere.

Q. You took no interest in the matter?—A. I presumed he would be released in due time,

and I did not consider that he was suffering any at Azua from what I learned of his treatment there. I did not suppose he was in any danger.

Q. You supposed that he had been released before you arrived there?—A. I understood from a letter from there that he had been pardoned, and I inferred that he would be released.

Q. Did you speak to Mr. Cazneau, to remind him of the letter, and ask why Hatch had not been released?—A. I do not know that I did. I was there a very few days when I returned.

Q. You were there when the treaty was negotiated?—A. Yes, about fourteen or fifteen days, and I did not hear much about Mr. Hatch at all.

By Mr. SCHURZ:

Q. Did you not occasionally exert your influence to obtain the release of other culprits?—A. Yes, sir, I did; other political prisoners.

Q. Did you not exert your influence to obtain the release of two murderers at Samana?—A. I did in the case of an American who had killed a sailor. That was at the suggestion of the chief justice of San Domingo. All that I did was to sign a paper, with other Americans there. It was the case of a sailor, who, in a drunken brawl, had killed another. I wrote from Samana to have two political prisoners released; that is, I suggested it, if it could be done without endangering the peace of the state.

By Mr. VICKERS:

Q. What were these two men charged with?—A. Charged with having been with a man by the name of Luperon, who was in the steamer Telegrafo.

Q. He was in the interest of Cabral?—A. Yes, sir.

By Mr. SCHURZ:

Q. Did you succeed in obtaining the release of those persons?—A. One of them was released and the other was not. It was said that the other was charged with some serious offense other than political.

By Mr. VICKERS:

Q. Did you return again to San Domingo?—A. Yes, sir.

Q. When did you return again?—A. I think on the 12th April, 1870.

Q. When were you appointed minister to this country from San Domingo?—A. My first notice of it was dated 15th of March.

By Mr. HOWARD:

Q. Did General Babcock ever write to you urging you to come to the United States as minister plenipotentiary from the Dominican Republic?—A. No, sir.

By Mr. VICKERS:

Q. Had you ever any talk with Mr. Smith about Mr. Hatch?—A. I do not recollect any conversation with Mr. Smith about Mr. Hatch.

Q. You knew him very well, I suppose?—A. I knew Mr. Hatch very well.

Q. Did you know Mr. Smith very well?—A. I knew Mr. Smith as commercial agent there. I met him occasionally.

Q. You did not speak to him about the release of Mr. Hatch?—A. I saw very little of Mr. Smith there. I do not think we ever conversed on the subject of Mr. Hatch. I supposed, if I thought anything about it, that the case of Mr. Hatch was in the proper hands—the hands of the United States there.

RUFUS INGALLS recalled.

By Mr. WILLIAMS:

Question. I find in Mr. Perry's letter of the 7th of June, to the Secretary of State, the following language: "I was also advised by Generals Babcock and Ingalls, Cazneau, Baez, and others, to write nothing personal, and always speak encouraging in my communications. I have also had directions from several others what my correspondence should be to the Department of State at Washington, and have been requested to keep back facts in relation to the election." State to the committee what advice, if any, you ever gave to Mr. Perry on that subject?—Answer. I never gave him any advice to keep back facts. On the contrary, it was my intention that he should tell the plain truth. Of course, I wished him to pursue such a policy as would favor annexation. I wrote him but one note that I recollect of, and that he has not only shown to the President, but probably has in his possession now, in which I made use of some expression about keeping private and public affairs separate, simply because I heard that he had mixed them in his correspondence. There was no other object than that in my addressing him a note.

Q. Have you the answer that Mr. Perry wrote to you in reply to that letter?—A. I have it in New York City, but not here.

By Mr. VICKERS:

Q. Do you remember the contents of it?—A. It was not much more than an acknowledgment of my letter, and the statement that he should pursue the proper course.

By Mr. WILLIAMS:

Q. Here is another statement in Mr. Perry's letter: "Cazneau also told me that Babcock and Ingalls had interests in real estate with him, and that he, Fabens, and his friend in New York had originated the idea of annexation." State whether you had any interests, and if so what they were in San Domingo to be affected by annexation?—A. It is a positive fact, that I have never had any private interest in San Domingo, and have not now, and do not contemplate any. I do not believe that either of the gentlemen who went down had ever thought of such a thing.

By Mr. SCHURZ:

Q. Have you an interest in a bank that is connected with San Domingo?—A. I have not. I have no earthly pecuniary interests connected with San Domingo; I say that in the most emphatic manner.

By Mr. VICKERS:

Q. For any one else, as well as for yourself?—A. None, either directly or indirectly.

D. B. SACKETT recalled.

By Mr. WARNER:

Question. I understand you wish to make a correction in your testimony. Will you state what it is?—Answer. On page 33 I am represented as saying that President Baez signed the treaty. I did not mean to say that. Mr. Baez did not sign the treaty, but he agreed to accept the article we were discussing. That is what I meant to say.

Hon. WILLIAM T. CLARK sworn and examined.

By Mr. HOWARD:

Question. Are you a member of the House of Representatives?—Answer. Yes, sir; from Texas.

Q. Are you acquainted with Raymond H. Perry?—A. I am.

Q. Where did you know him?—A. I knew him first in Galveston, Texas.

Q. In what capacity?—A. He was there when I first met him, I think, upon the staff of General Sheridan, then in command of the military district of Texas.

Q. Where did you know him again?—A. I knew him afterward in Galveston, Texas, where he was acting as chief of police of that city.

Q. Where next?—A. I next saw him some time in September last, when he came here with letters from General Sheridan, requesting some appointment under the government. The letter of General Sheridan indorsed him in the most emphatic manner as a very useful and energetic officer in any position to which he might be appointed.

Q. What can you say in regard to his general character for honesty and honor, truth and veracity?—A. Major Perry's reputation in the army was of this character: he is one of the boldest and bravest scouts ever employed in our service. All reports which he brought in of any engagement in which he might have been concerned, or any information which he was required to procure from the enemy, or on any account on which he was sent, was always considered by his commanding officers as entirely reliable. It was this peculiarity, as I may say, that endeared him to his commanding officers, and finally secured him the place of chief of police of Galveston. When he was appointed chief of police, General Griffin telegraphed to General Sheridan asking for an officer to occupy that position. He immediately recommended Major Perry. General Griffin made this remark in my presence: "We will have somebody here now who will kill five or six of these fellows, and then they will behave themselves." In other words, I cannot describe the major's character better than to say he is made up of the most combustible materials in a fight; but I cannot commend his discretion or his judgment on occasions where such qualities are required.

Q. Has he been in the habit of acting as a spy or detective?—A. I think that is where his forte lies more than anything else, and that may have caused to grow up in him a sort of suspicious temperament which will lead him to go further than the facts would justify in the case of an investigation which he was called upon to make. I speak of this because the major is present and will bear me out in everything I say in this regard; and that very quality occasioned his dismissal or resignation from the police force in Galveston.

Q. Was he dismissed?—A. He resigned; he was asked to resign, or it was suggested that he had better resign, in consequence of some difficulty he had in performing his duties. That he was hasty then, I do not doubt; I think he will not dispute that fact. He is a man who will not stop to think long on what it is best to do.

Q. What is he ordinarily as to color in his statements of fact—inclined to suspicion and exaggeration?—A. I am inclined to think that the major would overstate in a case that in-

terested him personally. He might be inclined to overstate some little matter in which he may have been engaged. That is the only thing about him that I can speak of. I never have heard his character for truth and veracity disputed. At the same time his habits of life from youth up, his peculiarities, would lead the major, in my estimation, in making up his judgment or making up his report of a transaction, to carry his personal feelings further than the facts would really justify.

Q. Had he any difficulty in Texas when there?—A. Yes; he knocked over the son of one of the most prominent men there, now a member of the common council, and a member of the legislature, Major Plumly, in a difficulty, and the result was that Major Plumly found himself in jail through Major Perry's orders immediately, and the young man, I believe, also. The consequence was that Major Perry retired from the force and went away.

By Mr. VICKERS:

Q. Is he of a sanguine temperament?—A. I think the major believes everything he says in regard to these matters. All men of that character, who pursue those habits of life, get that temperament, and it grows with them.

Q. He is correct in his main facts, though?—A. I should judge so, but he might be biased.

By Mr. HOWARD:

Q. What can you say of his passions?—A. I remarked to you that he is made up of very decidedly combustible material.

By Mr. SCHURZ:

Q. Do you know what position was offered to Major Perry, by General Reynolds, when he resigned the position of chief of police at Galveston?—A. There was some position offered him; I do not know what. That was a time when we were passing through a terrible ordeal in Galveston, and so marked was the efficiency of the major in the determination on his part to suppress acts of violence which had been occurring there, that General Reynolds, in sympathy for him, not sympathizing really with Major Plumly, because Plumly and General Reynolds had never been good friends, tendered him another position.

Q. Do you know what position?—A. I do not. I have forgotten.

Mr. R. H. PERRY. May I be allowed to state?

The CHAIRMAN. If no objection is made you may proceed.

Mr. PERRY. General Reynolds asked me to resign my position there, as I was in the way of the republican party for the next vote, because I would not put half negroes on the police force. General Reynolds told me that if I resigned my position he would let me organize a military detective force for the protection of the frontier of Texas and Mexico, with my headquarters at San Antonio.

Mr. CLARK. That is where the major ought to have gone. He ought never to have gone to San Domingo, for he would be just the man on that frontier to put down the Ku-Klux Klan.

By Mr. SCHURZ:

Q. Mr. Clark, have you had much personal connection with Mr. Perry, much personal intercourse with him?—A. I know the major very well. I know his history; know his family; know where he was born and brought up.

Q. Do you think there is anything malicious in his character that would induce him to persecute a person without reason?—A. I should be sorry to believe that the major would ever persecute anybody. I do believe, however, that his temperament would bias him.

Q. Do you think him capable of downright lying for the purpose of getting anybody into trouble?—A. I do not believe that. From my knowledge of him, I do not believe he would do that.

By Mr. VICKERS:

Q. Is he sternly and rigidly efficient in the discharge of his duty?—A. No doubt of that. Perhaps too much so on occasions.

By Mr. SCHURZ:

Q. Do you think he is an incorruptible man, or that he can be bought?—A. I do not like to answer that question. I do not know whether I am prepared to answer or not. I never have known anything of him that would lead me to believe he could be bought for any sum of money.

Q. Have you ever heard anything of him which would induce you to believe that he could be bought with money?—A. Never a word.

By Mr. WARNER:

Q. Did you know him in the army?—A. Only by reputation.

Q. Do you know what service he was employed in in the army?—A. Generally in scouting.

Q. Was he ever employed as a spy to obtain information from the enemy's line?—A. That is my information.

By Mr. SCHURZ :

Q. As a scout?—A. As a scout.

Q. What was the reputation of Pumly's son, whom Perry knocked down?—A. He was drunk and fighting and causing trouble, and Perry knocked him down. He was drunk all the time, pretty much.

J. W. FABENS recalled.

By Mr. SCHURZ :

Q. Were you engaged in any regular business in San Domingo?—A. I have been.

Q. Was it mercantile business?—A. Yes, sir.

Q. Are you now?—A. No, sir. That was some years ago.

Q. Are you engaged in any regular business elsewhere?—A. I am not at present, except as the representative of the Dominican government.

Q. So your pecuniary interests are invested in these grants, surveys, and so on?—A. That is all the interest I have in San Domingo now.

By Mr. WARNER :

Q. How long has Mr. Cazneau lived in San Domingo?—A. Mr. Cazneau went to San Domingo, I think, in 1854, under the administration of Mr. Pierce.

Q. Has he resided there continuously since?—A. He has, with one brief interval, I think, of about, perhaps, a year and a half.

Q. Was he there during the whole of the war in this country?—A. He was. He went out, I think, under Mr. Buchanan, as special agent of the government in 1858.

Q. Where was he originally from?—A. He is a Massachusetts man. He was born on Fort Hill, Boston. His father was born in Salem, Massachusetts.

By Mr. SCHURZ :

Q. Did he reside part of his life in Texas?—A. He did reside in Texas awhile, at Eagle Pass.

By Mr. WARNER :

Q. About how many years ago was that?—A. I think he was at Eagle Pass when he was first sent to San Domingo by the government in 1854.

Q. Has he ever resided in Texas since?—A. No; he has not been to Texas since 1854.

By Mr. FERRY :

Q. His entire life was spent in Texas, until he went to San Domingo?—A. I think he went to Texas a young man.

By Mr. SCHURZ :

Q. Do you know when he left Texas?—A. My impression is that he left Texas in 1854, when he was appointed by Mr. Pierce to visit San Domingo.

By the CHAIRMAN :

Q. Did he hold the same place there that Mr. Perry holds now?—A. No, sir; he was a special agent of the State Department, a diplomatic agent.

By Mr. HOWARD :

Q. Is he an educated man?—A. He is.

Q. Where was he educated; do you know?—A. He was educated in Boston. I do not know that he has a college education.

Q. At the "Hub"?—A. Yes, sir; my impression is that he received a commission in the navy as a midshipman at one time. I have understood so. If you desire any information in regard to his personal difficulty with Mr. Hatch, I think I can tell you how that arose, if it is important.

Q. If you know of any difficulty between them you can relate it.—A. I will commence by saying that it perhaps has not been brought out in the testimony here that Mr. Cazneau did interfere in the case of Hatch, but to save his life. It was through his interference, as I am credibly informed, that the life of Mr. Hatch was saved.

By Mr. SCHURZ :

Q. As you are "credibly informed," where did you get your information?—A. In San Domingo. I learned that from different parties there, from members of the government, and from General Cazneau himself, that he interfered very warmly to have Mr. Hatch's life saved, and I am very certain that it was through my intercession that his property was saved, although I would rather some one else should have stated that.

Q. Do you think Mr. Cazneau had anything to do with Mr. Hatch's being kept in prison after he had been pardoned?—A. I do not think he had.

Q. Are you sure he had not?—A. I do not know of any interference of General Cazneau

after the pardon was effected. He may have been knowing to some facts that might have induced the government to consider Hatch dangerous and to have retained him, which I do not know of, but I do not think General Cazneau is a man to harbor any revengeful feelings.

By the CHAIRMAN :

Q. What did their difficulty arise from?—A. It was purely a personal matter. At the time of the visit of Mr. Seward to San Domingo, in January, 1867, I think, Mr. Seward came to my house in company with General Cazneau, and during his short stay in San Domingo was my guest. He staid here but a short time, not an entire day, and General Cazneau did not have time to invite any persons to meet Mr. Seward. He came quite unexpectedly. Neither did I have time to send to any persons there an invitation to meet Mr. Seward; it was not considered necessary. The foreign consuls all called and most of the principal men of San Domingo called upon Mr. Seward. Mr. Hatch did not call, and Mr. Hatch was disposed to resent it as a personal indignity that he had not been specially invited to meet Mr. Seward on that occasion. General Cazneau attempted to explain it afterward by saying that he had not time, but he appeared to still feel hurt, and there the matter dropped. Since then he has lost no opportunity, as I have learned, of denouncing Cazneau.

By Mr. FERRY :

Q. Do you know whether General Cazneau spoke to Mr Seward to have him (Cazneau) appointed minister resident in San Domingo at that time?—A. No, sir; I do not think he did.

Q. Did you hear at that time that he was nominated for minister resident in San Domingo?—A. I did, after the return of Mr. Seward.

Q. Did you know, or did you hear at that time, that Mr. Hatch wrote a letter to Washington protesting against the appointment of Mr. Cazneau?—A. I think I did hear something to that effect.

Q. And did you know that the nomination which was made by the President was not confirmed by the Senate, or did you hear that fact?—A. I did. I heard that the office was not created; that there was no appointment made.

By Mr. WILLIAMS :

Q. How long have you been acquainted with Mr. Cazneau?—A. I have known Cazneau since 1854, I think.

Q. It has been stated here that he was a violent sympathizer, during the war, with the rebellion. Have you any information on that subject?—A. I have always considered Cazneau as a very strong Union man? He had personal friendship with some of the leaders in the rebellion, but I do not think he ever wrote a letter, or was in communication with one of them, from the time of the outbreak of the rebellion.

By Mr. FERRY :

Q. Do you not know that during the war he was known in San Domingo as being in favor of the rebellion as against the government of the United States; that he talked so openly in the streets of San Domingo with the American residents there?—A. No; I do not know that, I have heard Cazneau express himself very favorably to the Union. I know that he had personal sympathies, I may say, with some men engaged in the rebellion, and he looked upon the South, perhaps, as in some respects aggrieved; but I do not think that he ever justified, by a single word, the conduct of the South in going out of the Union.

Q. Did he not speak freely in San Domingo against Mr. Lincoln?—A. I never heard him, and I never heard of his speaking a word against Mr. Lincoln.

By Mr. SCHURZ :

Q. Were you not associated with Mr. Cazneau in business?—A. Yes, sir.

Q. Have you and he, now, business interests in common?—A. We have some interests in certain enterprises there; in the survey, for instance, which is now going on.

Mr. Ferry produced the following paper, stating that he would presently prove the signatures:

"NORWALK, June 10, 1870.

"Observing in the published reports of the Senate proceedings of Wednesday that the personal character of our fellow-citizen, Captain Davis Hatch, was, as we believe, most grossly and unjustly assailed, we, the undersigned, having known him for many years, take this method of attesting to the high character he always bore, while among us, as a Christian gentleman.

"Thomas B. Butler.

"Samuel Lynes, M. D.

"Edward P. Reed.

"F. St. John Lockwood.

"Eben'r Hill.

"Stephen Smith.

"E. B. Bennett.

"Charles Olmstead.

"A. J. Crofut.

"Goold Benedict.

"M. B. Pardee, M. D.

"A. H. Byington.

"Henry I. Hoyt.

"L. H. Moore,

"Matthew Wilcox,

"Postmaster.

"O. Elles.

"Franklin B. Purdy.

"D. F. Benedict.

"Dudley P. Ely.

"George Benedict.

"William H. Benedict.

"David R. Austin."

"I unite in this testimonial, and state, moreover, that Mr. Davis Hatch has been for several years a communicant of St. Paul's church, Norwalk, and was at the time of his leaving for San Domingo a vestryman of the same, and a Christian gentleman of most unexceptionable character.

"WM. COOPER MEAD, D. D.,
"Rector of St. Paul's Church, Norwalk, Connecticut."

A. H. BYINGTON sworn and examined.

By Mr. FERRY:

Question. Where do you reside?—Answer. At Norwalk, Connecticut.

Q. What is your business there?—A. Publisher of the Norwalk Gazette.

Q. Is that the only newspaper printed in the place?—A. It is.

Q. Are you extensively acquainted in the town?—A. I am.

Q. How long have you resided there?—A. Ever since I can remember.

Q. Did you see the first signature put to the paper which has just been read?—A. Yes, sir.

Q. Which is the first signature?—A. That of Thomas B. Butler.

Q. Who is Thomas B. Butler?—A. Judge of our supreme court.

Q. What is his official position at this time?—A. He is chief justice of the State of Connecticut.

Q. His residence is in Norwalk?—A. Yes, sir; he chanced to be in the post office and signed it there.

Q. There are the names of Frederick Lockwood, Ebenezer Hill, and D. P. Ely to that paper?—A. Yes, sir.

Q. Who are they?—A. Mr. Lockwood is president of the Fairfield County National Bank; Mr. Hill is president of the National Bank of Norwalk; Mr. Ely president of the National Bank of South Norwalk.

Q. There are the names of Dr. Lynes and Dr. Pardee. State whether they are two of your principal physicians.—A. They are the principal physicians of Norwalk.

Q. And what position in that community do the other gentlemen whose names are on that paper occupy?—A. They are the principal men of the town.

Q. How long have you known Mr. Hatch?—A. I should think probably thirteen years. I am not positive as to the dates; but I knew him from his first moving to Norwalk.

Q. Did he own a homestead there?—A. Yes sir.

Q. What family had he?—A. A wife, two sons, and several daughters—I think three or four daughters.

Q. Do you remember when he went to San Domingo?—A. Yes, sir.

Q. Did he bring to your newspaper office the specimens of the salt?—A. Yes, sir; and he wrote considerable for me.

By Mr. WILLIAMS:

Q. In what year was that?—A. I think that was just previous to the breaking out of the war that he went out for the last time. He had been out previously and had corresponded for my paper.

Q. In 1860?—A. Perhaps in 1860 or 1861. I think it was at the opening of the trouble, just prior to the rebellion.

By Mr. FERRY:

Q. Did he correspond with you occasionally while he was there?—A. Yes, sir; he wrote for the paper, and to me personally.

Q. Where were you in the winter and spring of 1866?—I had charge of the Tribune bureau here in Washington.

Q. You were a correspondent of the New York Tribune?—A. Yes, sir.

Q. Did you receive letters from Mr. Hatch at that time?—A. Yes, sir.

Q. State whether you received from Mr. Hatch a letter in reference to Mr. Cazneau, and what you did with it?—A. I received two letters concerning that gentleman, and I have an indistinct recollection that I received three.

By Mr. HOWARD:

Q. Have you the letters in your possession; can you produce them?—A. I cannot. I will tell you what I did with one of them.

By Mr. FERRY:

Q. Please confine yourself to the one I have particular reference to.—A. The one to which you are probably referring is a letter in which he spoke of Mr. Cazneau as being an applicant for the position, I think, of minister resident, and went into details of Mr. Cazneau's personal character, giving quite an amount of statements in regard to him; and I specially remember that he pronounced him a strongly pro-slavery man, whose sympathies were against the administration. That letter I gave to Secretary Welles. I thought it was of some consequence. Mr. Cazneau, in the mean time I think, had been nominated; his name was sent

in as nominee for the position Mr. Hatch referred to. I gave the letter to Mr. Welles, and Mr. Welles read it and thought it was of consequence enough to retain it. He asked me if he might copy it, and said he would give it to Mr. Seward. I never saw the letter afterward and do not know anything about what became of it.

By Mr. SCHURZ:

Q. You say "strongly opposed to the administration." Did you mean to say "the administration" or the "government?"—A. I suppose more properly "the government." He pronounced him as in sympathy with the rebellion. I recollect that, for it went into details in regard to some matters that Cazneau had been connected with, which I cannot recall with distinctness. I did not know anything about the party. Mr. Hatch seemed to be writing in the interest of our government and of the Union cause.

By Mr. FERRY:

Q. Do you know whether Mr. Hatch at that time—in the spring and summer of 1866, was a correspondent of the New York Times?—A. I think he was.

By Mr. HOWARD:

Q. Any other papers?—A. He sent letters to me; and I think two letters which he sent to me I sent to the Tribune; for I thought they were more valuable to the Tribune than to our own paper.

Q. How were they signed?—A. I think there was no signature. He sent me his own name.

By Mr. FERRY:

Q. Do you recollect in one of his communications to the New York Times that he gave an account of the revolution, in which Mr. Baez was deposed?—A. In a letter that I had no doubt was his—of course I could not testify that it was, but the style and everything indicated it to be from him—he gave a detailed account of the affair, and made a severe animadversion upon Baez.

Q. What is and has been, while Mr. Hatch has been residing in Norwalk, his reputation there for integrity and truthfulness?—A. He was a gentleman who was considered beyond the shadow of reproach in any respect; a high-minded, honorable gentleman; a man of fortune when he came there. I should compare him, perhaps, to Governor Jewell, as a sample of the character of the man and the position he occupied there—a man respected as much as Governor Buckingham is in Norwich.

Q. State what kind of a homestead he purchased there.—A. He had a very beautiful little place at South Norwalk, near the New Haven railroad depot.

Q. When he went away who had charge of his business affairs as agent?—A. The Rev. Mr. Austin.

Q. During the period of Mr. Hatch's confinement did you hear anything of the condition of his family?—A. There were rumors afloat, from merchants and others, that Mr. Hatch was not making remittances as he had done formerly, and the family were pressed for means to live.

Q. What were they compelled to do?—A. I presume they were compelled to sell their place. The place was sold, I know.

Q. Mr. Austin acting as attorney?—A. Yes, sir. Dr. Pardee, who is a personal friend, bought it, and told me he bought it at a sacrifice, in consequence of their being compelled to sell it.

By Mr. HOWARD:

Q. Do you know in whose handwriting the body of this paper is?—A. Yes, sir.

Q. Who wrote the body of it?—A. I did; it is my handwriting.

Q. You wrote it for the purpose of obtaining signatures in favor of Hatch?—A. Yes, sir; it was suggested by Judge Butler.

Q. Where did you write it?—A. In the post office at Norwalk, Connecticut.

Q. Are you postmaster there?—A. I am not.

Q. Have you any official position there?—A. No; there is a desk outside the office where I wrote it.

Q. Upon whose request did you get up this paper?—A. Mr. Henry I. Hoyt, whose signature is there. He had just been reading a report of what your colleague in the Senate had said, with some feeling of indignation. The language was dictated by Judge Butler.

Q. Have you much personal acquaintance with Mr. Hatch?—A. As a village citizen—that is all.

Q. How long had you known him intimately, if at all, in the village?—A. Three or four years.

Q. What business was he carrying on in Norwalk?—A. No business at all. He was a gentleman of leisure, and understood to be a man of fortune.

Q. Is he not also understood to be a man of very active and limber tongue when he speaks of other persons?—A. No, sir; he never had such a reputation there. He was a stockholder in a large planing mill, which was manufacturing sashes and blinds for shipment to the West Indies.

Q. Did he take any active part in the management of that concern?—A. Not at all.

Q. He was a gentleman of leisure and letter-writer?—A. A gentleman of culture, and he wrote, I suppose, as the spirit moved him.

By the CHAIRMAN:

Q. Do you know anything of his conduct in San Domingo?—A. Not at all.

Q. You do not know whether he sided with Cabral?—A. I do not know anything about him except as a resident of Norwalk, and writing letters.

Q. How long since you have seen him?—A. It must be six or eight years. I have not seen him since he left.

Q. He has not been in Norwalk for six or eight years?—A. He has not.

Q. And his family have resided there all the time?—A. Yes, sir; they reside there.

Mr. FERRY. I now present a letter addressed by Mr. Davis Hatch to the Honorable A. Pimentel, minister of the interior, San Domingo, February 6, 1866, in reference to the salt mines of Neyba. The administration of Baez had then come in.

The CHAIRMAN. Can there be any doubt about that matter? I see from examination that the Dominican government report to our government that this grant is still in vogue, and genuine. That fact appearing, is it necessary to go into any matter as to Mr. Hatch's title to the salt mine grant?

Mr. FERRY. These papers show that the government of Baez annulled it—the very papers that I am going to read.

Mr. WILLIAMS. It has been recognized and affirmed since, as I understand.

Mr. HOWARD. Reconfirmed by Baez?

Mr. FERRY. Never, in the world.

Mr. HOWARD. That is stated by Hatch.

Mr. FERRY. No, not by Hatch.

Mr. WILLIAMS. If Senator Ferry thinks it necessary to put in these papers, I shall not object.

Mr. FERRY. I think these papers should go upon the record in justice to Mr. Hatch.

Mr. WILLIAMS. From the evidence before the committee I should suppose that the concession to Mr. Hatch was recognized as a valid concession.

Mr. FERRY. I should be very glad if it was.

Mr. WILLIAMS. It is reported to our government as such.

Mr. FERRY. I will present these papers.

“SAN DOMINGO, February 6, 1866.

“SIR: The undersigned has the honor to acknowledge the receipt of your official notes of the 11th ultimo and the 3d instant, the former informing him that his note of the 7th of December to the President of the Republic, and the matter to which it referred, had been submitted by his excellency to a government council; but as they had not found in the archives any record of the concessions made by the Spanish government, and it being indispensable that they should be seen before taking any resolution thereon, they had resolved to inform him of such fact for his convenience; the latter informing him that in reply to the said note of the 7th of December, the government had resolved to declare null and of no effect the concession made by the Spanish government to him and his associates in the salt mines of Neyba, upon the plea that the Dominican forces occupied the territory where the mines are situated at the time of the date of said concession, viz., the 29th day of February, 1864.

“As this plea is the foundation of the argument which follows in your note, the undersigned begs leave respectfully to observe,

“1. That, admitting it to have been the case that there were no Spanish forces in the almost uninhabited country where the mines are situated at the time the titles were dated, the undersigned, being in that province subsequent to that date, knows that General Puello, with a large force, was in the immediate vicinity, and could have occupied it at his pleasure; and he continued to occupy Azua, the capital of that province, until the final evacuation in July, 1865.

“2. As the act of annexation to the Spanish monarchy was a voluntary act, as appeared by the acquiescence of the nation, and of the two distinguished men who had successfully occupied the position of chief magistrate of the republic, and of opposite political parties, the war thus became a civil war; and until the revolution was consummated the Spanish government was the sovereign power, and government *de facto*. Even though the Dominican government had been acknowledged as a belligerent power, such acknowledgment only implies the right to make war and not of dominion.

“3. As the issuing of the titles in the said salt mines by the captain general on the 29th of February, 1864, was only a fulfillment of an engagement entered into by the Spanish government and the captain general with the undersigned, prior to any revolutionary movement, such plea could not avail, under any circumstances, to deprive the subjects of a foreign power of sacred rights, obtained from the chief of a *de facto* government. The formality of issuing from the executive department copies of concessions made many months

previous, might have been delayed to the last moment of the occupation of the city by the Spanish authorities, without invalidating such concessions.

"The undersigned begs leave respectfully to submit to the consideration of the Dominican government the following facts: That one of his associates in the said salt mines, and in the concessions connected therewith, came to this country at the solicitation of the Dominican government, in February, 1861, and explored those salt mines. Returning to this city from the mines just at the time of the annexation, he did not then make an application for a concession of the mines, but returned to the United States to watch the course of events here in this country. Towards the close of 1862, the annexation having the appearance of being permanent, at least to the world outside, an association was formed for working those mines under the government then in power; and the undersigned joined it and became its agent in this country. He arrived here in January, 1863; and after a careful survey of the mines, and of the natural facilities for working them, he returned to this city, and on the 27th of February, 1863, presented a petition to the government, soliciting the privilege of constructing a railroad from the port of Barahona to the said salt mines; which petition was referred to the supreme government at Madrid, approved, and accepted. Having thus secured the means of transportation, without which the mines were of no value, on the 23d September, 1867, a formal "denunciaci6n" of thirty-two "perenencias" was made for himself and others in the said salt mines, according to the laws of the government then in power, which "denuncias" were formally acknowledged; and on his return from the United States in February, 1864, certificates of the same were given to him by the captain-general, as aforesaid. It is not necessary to state here why the work on the railroad has not been commenced. The undersigned and his associates have been at all times ready and prepared to fulfill their engagements. After the restoration of the Dominican Republic the undersigned with all frankness and candor laid before the provisional government a true and faithful statement of all that had been done in relation to the concessions; and, with due respect, presented a petition to the executive of that government, asking a confirmation of the concessions and privileges made by the Spanish government; which petition was favorably received, and a verbal promise made by the executive and his cabinet that it would be granted. A change occurring just at that time in the administration, it was not accomplished. Upon the formation of the present government he was again favorably received by his excellency, as stated in the note of the undersigned of the 7th of December, and promises were made to favor the enterprise officially and individually; which promises were repeated from time to time to mutual friends. In view of these facts, the undersigned submits to the consideration of the government, with all due respect, whether he is not entitled to a full acknowledgment of the aforesaid titles and concessions.

"In conclusion, the undersigned gratefully acknowledges the friendly disposition of the government towards him and the enterprise in contemplation, and their offer to facilitate an application to the government for the concessions obtained from the Spanish government; but, while he holds himself ready to accept of such concessions, and without reference to the action of the Spanish government, if so desired, it would be inconsistent in him to thus ignore claims which are considered sacred, by making such application himself.

"Very respectfully, your obedient servant,

"DAVIS HATCH.

"Hon. P. A. PIMENTEL,

"*Minister of the Interior.*"

I next present the following:

"ST. THOMAS, April 26, 1870.

"DEAR SIR: I have before me your letter of the 20th instant, and in answer to your request, relative to what took place between Mr. Baez and yourself, when at the time I introduced you to him—

"I certify that on the 5th of December, 1865, three days after Mr. Baez's arrival in the city of San Domingo as president elect, upon my accompanying you and announcing your name, 'Mr. Hatch,' Mr. Baez exclaimed 'Oh! You are the gentleman who has concessions in the salt mines of Neyba;' that upon you replying in the affirmative, he (Mr. Baez) said 'I know all about that affair, and feel much interested in the project, and will do everything in my power to aid and assist officially and individually your undertakings, as I know their importance to the government and to the country in general; having myself extensive landed property in that region, their value will be greatly enhanced by your contemplated railroad; you may rest assured that you will not have any opportunity or reason for hurrying the government, but on the contrary the government will hurry you; you can call to see me at any time you may wish, and present yourself without any ceremony.' This interview lasted about an hour, and the mines and contemplated railroad for the transportation of the salt to the seaboard was almost the exclusive topic, and not a word (to the best of my recollection) was said, or intimation mentioned, of concessions by the Spanish government not being valid. Some time afterward I heard of a decree issued by President Baez annulling the grants formerly made to the parties, the object of which decree I am led to believe was to obtain from those who held these grants a retribution, independent of the rents agreed upon by the former government.

"I hope you will find this relation of what passed in my presence between you and President Baez perfectly correct and in good faith.

"Therefore, I have the honor to be your most obedient, humble servant,

"P. E. DUBOCQ.

"D. HATCH, Esq., *Present.*"

"On this 26th day of April, 1870, before me the undersigned, United States consul for St. Thomas and the dependencies thereof, personally appeared P. E. Dubocq, known to me to be the person who executed the foregoing instrument of writing, and acknowledged the same to be his act and deed, and declared that he had executed the same freely and voluntarily, to the uses and for the purposes therein mentioned.

"Given under my hand and the seal of the consulate the day and year above written.

[SEAL.]

"C. J. TRUE,
"United States Consul."

I next present a letter, the writer of which is dead, but it is a contemporaneous letter with the fact relating to the salt mines, and referring to circumstances then transpiring :

"SAN DOMINGO, February 23, 1866.

"DEAR SIR : At your request I will relate the substance of the conversations had with the President respecting the interest which you represent in this country.

"On my first visit to this city after the arrival of Mr. Baez I had seven or eight interviews with him, and the most of our conversation at each of those interviews was upon the subject of your project of working the salt mines, your contemplated railroad, &c. Mr. Baez manifested very great interest in the enterprise, and promised through me to aid you in every way, officially and individually, and giving as his motives for so doing that it would be of very great benefit to the government and people, and that he and his brothers had a large property in that section which would be benefited by the improvements in contemplation. And many others have mentioned to me that Mr. Baez had expressed to them the same interest in the projects at that time. No intimation was ever made to me, or to any one to my knowledge, as to the validity of the titles, but, on the contrary, all our conversations tended to the impression that Mr. Baez entertained no doubt upon that point.

"Upon my second visit to this city, in the early part of January, I was surprised to find Mr. Baez had entirely changed in regard to the interest he had previously manifested in your favor, mentioning one objection after another, pretending all the time to be interested in having the enterprise carried through, and yet showing, by the imaginary difficulties and objections brought forward, increasing animosity to it, conveying the impression that he expected a consideration for his services in the business ; if not, he was prepared to defeat it.

"On my last interview with Mr. Baez, on the 2d of February, upon some remark being made by you that the titles were sacred, and you would not renounce them, Mr. Baez became very angry and excited, and said he neither feared nor cared for the United States government, and, alluding to a circumstance that occurred at the close of his presidency in 1857, and the action of the United States ship Colorado on that occasion, remarked, he had not forgotten that yet. On a previous interview he had mentioned to me that the Colorado obliged him to leave the country at that time.

"I have been familiar with Mr. Hatch's whole proceedings in relation to the salt mines, and of his intercourse with the different governments in relation thereto, from the commencement, in January, 1863, up to the present time, and concur in all the facts stated in his protest against this government.

"In conclusion, I would state that Mr. Baez's whole proceedings in Mr. Hatch's business has been marked by gross deception and injustice, which I know from my own personal knowledge, and also from information obtained through others.

"With the hope that this may answer the ends in view, I remain, yours, truly,

"EDMUND GARNN.

"DAVIS HATCH, Esq."

"ST. THOMAS, April 26, 1870.

"This letter was obtained at the time of its date for the purpose of showing to my associates in the salt mines the false, deceptive, and dishonest course of Mr. Baez in my intercourse with him, while at the head of the government, from December 18, 1865 to May 29, 1866. It is forwarded now as additional evidence of his being the aggressor, and of my justification in making the charges against him of mal-administration in my published letters in 1866, which has been the sole cause of his persecution now.

"DAVIS HATCH.

"Mr. Garnn died in June, 1867."

Mr. HOWARD. Did you know Garnn, the writer ?

Mr. FERRY. I never knew him. The proceedings on the trial of Mr. Hatch, which have been read and printed, came on in the steamer Yantic, on which also Mr. Hatch came as far as Havana. I now present a letter with its inclosure written in respect to that by Mr. Hatch to me.

"HAVANA, March 31 1870.

"DEAR SIR: Mr. John C. Soley, whom I mentioned in my letter of the 26th, bearer of dispatches from Admiral Poor, took on the translation of the proceedings on what was called my trial, which I asked for in the month of October, but which has been withheld upon one pretext and another; but the real cause will be readily understood upon reading it over. I looked over it while on board the Yantic, and so far as my memory serves me it appears to be a true copy, and the translation fairly made. If you have time and patience to read it through you will see that the whole substance of it is made up of negative assertions, which, though generally difficult to disprove, are made extremely easy in this case. There is nothing whatever proved to criminate me, even under the *ex post facto* criminal law enacted for the occasion. All that is attempted to be proved by witnesses is, that after the Cabral steamer Telegraph, six weeks after he had been in possession of all that section of the country, some of the officers on board of her belonging to Cabral's army staid at my house, of which there were three, whom I invited, having only known them as members of the national convention in 1865, but never as military men. General Cabral likewise staid at my house two nights. As they had a large and well-organized force there, exercised authority, and received submission from the civil authorities of Baez's government, and all the citizens, and being dependent upon them for protection to my person and property, any other course would have subjected me to persecution and exposed my property, if not my life. Inclosure No. 1 will show you that I pursued the same course during the revolution of Baez against Cabral, and that my course then was approved by Baez and his brother. I had no direct intercourse with either party, but treated both with equal courtesy and attention while in possession of the town. The chief officers of both parties have each in their turn occupied my house for a time on first taking possession, and until they could make permanent arrangements elsewhere. This has been the case for years before I occupied it, and has been in consequence of its extra size and accommodations and its central position. And since I have occupied it it has been an asylum for both parties on many occasions, and respected as such until Baez's army took possession of the town the last time, on the 14th of August, when it was plundered of nearly everything it contained, by the unpardonable neglect of the commander-in-chief, General Garcia. This was not for anything personal toward me, for the natives were robbed of what little they possessed. And it is not surprising that men forced into service by a press-gang, without conscription or enrollment, without the semblance of discipline or military order, without pay or regular rations, half naked and half starved, should help themselves to whatever came in their way, regardless of the consequences to their government or who their victim was. General Garcia executed the ring-leader, as he supposed, within five minutes after the discovery, but the real culprits were some generals and other officers on his staff, who participated in the plunder.

"With regard to the powder of which so much is attempted to be made in the accusations, I would remark that I bought fifteen pounds of a captain about the 20th of November, six months before Cabral took possession, and before I knew of his being in the country. It was fine sporting powder. Eight pounds of it were in my house when Baez's army took possession, and it is not pretended that any of it was sold or offered to the other party. There had been no order given against holding powder, and I informed the *comandante de armas* when I bought it, and he took a part of it for his own use.

"The charge of negotiating the paper of the Cabral party is equally frivolous and absurd. I took about forty dollars of the "vales" issued by them from some poor people to whom they had given them for cattle taken from them, at about one-quarter their nominal value, out of consideration for them, and not for any value they possessed, or to favor the revolution.

"It is pretended, too, that I persisted in remaining there because of the facilities of communicating with the Cabral party. I had no opportunity of leaving there after the month of April, and if I had, there was no reason why I should abandon my property; and why should I not remain there during a revolution against Baez by Cabral, as well as against Cabral by Baez? And, furthermore, I never knew anything of the whereabouts of Cabral, or his intentions to occupy the place, until after Baez's army withdrew from there early in May, two weeks or more before the other party occupied it. But I have no time or patience to dwell longer upon the subject, nor do I think it necessary to say more to satisfy you that the whole thing has been conceived in wickedness, and prosecuted from malicious motives of revenge, but so clumsily and stupidly executed that no one who looks over the papers can fail to see it, after understanding the motives. These you will understand by my letter to General Babcock, of which I sent you a copy in my last.

"I would thank you to write me a few lines to St. Thomas, care of G. W. Smith & Co., giving me your advice what course to pursue, and whether it is necessary for me to come home before the affair is settled. I left a large and valuable cargo of wood at Barahona, and if the Dominican government cannot be held responsible for it, as well as for other property robbed from me, I must attend to it when circumstances will enable me to do so. I cannot believe our government will hesitate to demand full satisfaction and reparation for what I have suffered in person for this barbarous attempt to degrade my character, and for

serious injury to my constitution from the long confinement, passing through three very severe fevers without medicine or medical attendance.

"Truly, your obedient servant,

"DAVIS HATCH.

"Hon. O. S. FERRY, *Washington*."

Inclosure No. 1 referred to is a letter, to which Commercial Agent Smith referred, from Valentine Ramirez Baez to Buenaventura Baez, in June, 1868.

Translation of a letter from General Valentine Ramirez Baez, brother of the President, addressed to him:

"AZUA, *June* —, 1868.

"MY DEAR VENTURA: All that the American consul has told you regarding Mr. Hatch's course in Barahona is true. He is much respected there. He assisted General Blass, and he is the only one doing any business there in buying and selling. It was with great repugnance I arrested him; but I am not in the habit of commenting upon the orders of my superiors. I treated him with much attention.

"Yours,

"VALENTINE RAMIREZ."

That refers to the first arrest in 1868. Then Mr. Hatch goes on and states:

"On my arrival in the city on that occasion, I requested Mr. Smith, our commercial agent, to demand satisfaction, and that I should have permission to return to my business immediately; that I had never taken any part on either side in the revolution of Mr. Baez against Cabral, just then concluded; but had acknowledged the authority of General Blass as soon as he obtained possession of the town, and assisted him, because he had protected me and my property, although Cabral was then holding nearly all the rest of the country; that he had no right to use his office to persecute me for a private affair, when he was out of office and out of the country, for which, if I had misrepresented him, or stated anything false, I was amenable to the civil tribunals, and was ready to meet him there if he had any charges to make against me. Mr. Baez, seeing he had committed himself, endeavored to throw the responsibility upon his brother, and positively denied having given any order for my arrest, but merely to offer me a passage in the Capotilla to come up and make an explanation of the partiality and preference I had shown for the government of General Cabral. Mr. Smith insisting upon my being allowed to return immediately, Mr. Baez requested him to wait a few days until he could communicate with his brother, to avoid any comments for the mistake that had occurred while things were so unsettled; and if what I had stated was true, which he did not doubt, I could return as soon as the answer came. Mr. Smith happened to be present when he received the answer; and Mr. Baez was so much gratified with the tenor of it that he handed it to Mr. Smith to show me. Thinking it might be of importance to me on some future occasion, I requested him to take a copy of it. The copy was barely concluded before Mr. Baez sent for it, recollecting, no doubt, that it contradicted his denial of having ordered my arrest. But such is the character of the man for truth and common honesty; and seeing his determination to persecute me if he had the opportunity, I was particularly on my guard in not giving him the least occasion to interfere with me in my business. In doing this I even went so far in my attentions and assistance to the authorities of his government there that I subjected myself to the charge of having manifested great partiality for Mr. Baez by the officers of the Cabral party when they first took possession of the town. A copy of this letter was filed in the archives of the commercial agency, and I have another in my desk at San Domingo, which I shall forward, to be attached to this.

"Some months after my return to Barahona, Mr. Smith, the commercial agent, wrote me that reports had been made in the city that I had communicated, or was trying to communicate, with Cabral, or some of his party, and Mr. Baez had requested him to write me to come to the city at once to clear it up. I replied, denying the charge as false and malicious, if such charge had really been made, which I did not believe, and am persuaded now that Mr. Baez made up the affair merely to get me away from Barahona to injure me in my business. I had not then heard that Cabral was anywhere in the country, neither that he was expected. I showed the letter to a resident of Barahona, a rival in business, and a partisan of Baez. He at once, and of his own motion, drew up a certificate denouncing the charges as false and calumnious, and he obtained the signatures of every man in the place who could write his name. I forwarded this to Mr. Smith, and wrote him that I should not leave my business except by force, and in that case I should abandon everything I possessed and appeal to my government for satisfaction and reparation. Mr. Smith showed the letter and certificates to Baez, and he said it was perfectly satisfactory, and that no further notice would be taken of the matter. The certificate is, I presume, on file in the commercial agency, and I shall procure and forward it.

"DAVIS HATCH."

Mr. Hatch is not here, and several times inquiry has been made where Mr. Hatch is. Here are three letters that explain that. I will read them in full, as they are short, and perhaps there are some things in them that the gentlemen of the committee would like to have read:

" ST. THOMAS, April 30, 1870.

"DEAR SIR: Your esteemed favor of 11th instant came to hand late last evening, by the Brazil steamer, and its contents read with interest. I avail of an opportunity, via Havana this morning, to say that I shall draw up a petition to Congress, as you advise, and forward by first opportunity, together with the amount of property forcibly taken from me, which is already made up.

"I cannot return home until I hear from San Domingo, which I cannot count upon until the arrival of the steamer—14th proximo. There is but one steamer a month from the city. What funds I have at my command are there, and I have been forcibly removed from a large and valuable cargo of wood at Barahona, for which I make a demand upon the Dominican government, together with the property taken by the government army.

"The prejudices of the State Department, Senator Cole, and General Babcock are not for anything personal, neither is it possible they can believe that I have taken any part against the government of Mr. Baez; but they fear that doing justice to me in my difficulties with Mr. Baez will injure the prospects of annexation, to which they are wedded. I know this from a personal friend of Senator Cole, who shewed me a letter from him on the 22d instant.

"I wrote you on the 16th instant, via Havana, inclosing copy of a letter to President Baez.

"There is no place in the world where I am so well known as here. I have had business connections with the people here for more than thirty years, amounting in the aggregate to many millions of dollars. They have all been familiar with my mining and mercantile affairs in San Domingo, and all my relations with Mr. Baez from the first; and there has been but one opinion expressed, that the amount claimed, under the circumstances, ought to be double.

"Please write me via Havana on receipt of this. If you still think it important that I should be present in person, I will come on immediately after obtaining funds and advices from San Domingo.

"Thanking you kindly for the interest taken in my affairs, I am, in haste, yours truly,
"DAVIS HATCH.

"Hon. O. S. FERRY, Washington."

Mr. WARNER. May I ask how Mr. Hatch knew that General Babcock, Mr. Cole, and the State Department were prejudiced against him?

Mr. FERRY. He had referred in a former letter to me to General Babcock and Senator Cole as knowing about his condition when he was in Azua; and I had replied to him that the impressions of those gentlemen were against him. That is what he means. I had replied to him also that Mr. Fish's impressions were against him, as Mr. Fish, in a personal interview with me, had stated his impression that Mr. Hatch was either to blame or had been very imprudent. I recollect that expression of Mr. Fish, and communicated in reply to him those statements.

Mr. WARNER. He had never had any communication with Mr. Fish himself directly, I suppose?

Mr. FERRY. You can see the tone shows that it is in reply to a suggestion in a letter of mine. Here is another letter written by the next steamer:

" ST. THOMAS, May 13, 1870.

"DEAR SIR: Since writing you this day I have found among my books a pamphlet on the annexation of San Domingo to Spain, which I forward, thinking it may interest you. Its historical and statistical part at least may be relied on. It was prepared by an English gentleman who had been thirty years in the country, and died there in 1865.

"I have seen no reason to change my views on the subject of annexation, as expressed in my letter of the 3d of March on the political state of the country. I think if it could be effected while there was no organized force in the country contending against the government, it would be impossible afterward to get up one. The population being so small compared to the extent of territory, it would probably soon be overcome by immigration, as was the case in California, and prove a blessing to both countries. It would, of course, be immaterial to me whether effected by the present administration or some other, if it restored tranquility. I advocated it through him (Baez) for more than a year after he came into power this last time, and till after there was a large force organized against him, determined that he should not have the honor and emoluments too, after being so long the bitter enemy of the government and people of the United States.

"The great mass of the population are poor and ignorant, but the most docile and hospitable people I ever met.

"The other papers I send by private hands, being voluminous, and there may be a day or two delay in your receiving them.

"I shall write you again on the 16th, via Havana, after hearing from San Domingo.

"Yours truly,

"DAVIS HATCH.

"Hon. O. S. FERRY, Washington, D. C."

The last letter I received from him is as follows :

"ST. THOMAS, May 30, 1870.

"DEAR SIR : Your esteemed favor of the 12th instant, marked via Havana, is just to hand, per Brazil steamer from New York. I note your instructions as to the mode of proceeding with my claim, which I shall follow.

"I have not yet received my funds from San Domingo, as I expected, but am promised them by next opportunity. I shall proceed home immediately after receiving them.

"From what I can gather from the papers there is little prospect of anything being done in San Domingo affairs this session. Present advices from different parts of the Dominican Republic confirm me in the opinion heretofore expressed that the Cabral party will not acquiesce in any negotiations made by our government with that of Baez. Cabral has moved his headquarters to the north side to operate in conjunction with Generals Pimentel and Mansueta. The revolutionary army of the south, under General Orgando, had received ample supplies from Hayti, and was prepared to move upon Azua 23d instant. The Haytien government seems disposed to aid Cabral as much as possible without compromising itself with the United States.

"I wrote you on the 14th, per Brazil steamer, forwarding petition to Congress and other papers.

"Yours truly,

"DAVIS HATCH.

"Hon. O. S. FERRY, Washington, D. C."

I have read these letters merely to show where Mr. Hatch now is.

Mr. HOWARD. He refers to the fact, in one of his letters, that Mr. Ferry recommended him to make out his claim for damages.

Mr. FERRY. In a former letter he had asked me in what way he ought to present his claim against the government. In the beginning you will recollect that he wrote a letter to Baez, stating that he was going to apply to his government, and you see all along through his intention of applying to this government, and he wrote to me asking the form in which to make the application. I merely suggested that he write a petition and make out an account.

Mr. HOWARD. I take it you did not commit yourself either for or against the claim ?

Mr. FERRY. Not at all. I should be glad if all my letters to him were here.

Mr. SCHURZ presented, and it was received in evidence, the original protocol signed by General Babcock and Mr. Gautier in September, 1869 :

[Translation.]

"The following bases, which shall serve for framing a definitive treaty between the United States and the Dominican Republic, have been reduced to writing and agreed upon by General Orville E. Babcock, aide-de-camp to his Excellency General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican Republic, and Mr. Manuel Maria Gautier, secretary of state of the departments of the interior and of police, charged with the foreign relations of the said Dominican Republic.

"I. His Excellency General Grant, President of the United States, promises, privately, to use all his influence, in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment; and he offers to make no communication to that body on the subject until he shall be certain that it will be approved by a majority. The acceptance of annexation will oblige the United States to pay to the Dominican Republic the sum of one million five hundred thousand dollars in coin, (\$1,500,000,) in order that that republic may, as a state, pay its public debt, which is estimated at the sum of one million five hundred thousand dollars in coin, (\$1,500,000;) and the Dominican Republic on its part agrees to conform its constitution to those of other States of the Union. In the event that the Dominican public debt should exceed one million five hundred thousand dollars in coin, (\$1,500,000,) the excess shall be charged to the Dominican State.

"II. In case the North American Congress shall reject the proposition for annexation, the Dominican government would accept, as the price of the sale of Samana, the two millions of dollars in coin, (\$2,000,000,) which the same government of the United States offered it under the administration of President Johnson.

"III. His Excellency President Grant assumes the obligation to remit forthwith to the Dominican government the sum of one hundred and fifty thousand dollars in coin, (\$150,000,) one hundred thousand dollars to be in cash, and fifty thousand in arms, for the purpose of aiding in defraying the unavoidable expenses of the State. Credit shall be allowed for this amount, either on account of that which will be payable in the event of an acceptance of annexation or of a preference for the acquisition of Samana.

"IV. In either case the United States will guarantee the safety of the country and of the government against every foreign aggression or machination, in order that the present cabi-

net may carry into effect the obligation which it contracts, to obtain from the people the expression of the national consent, which will necessarily have to be carried into effect within four months from the acceptance of the idea of annexation by President Grant.

"V. It is understood by both parties that if neither of the bases referred to shall be carried into effect, they shall be regarded as null and of no value or force, and that they shall, throughout all time, preserve their character of inviolable secrecy; but if one of the two extremes which they embrace shall be accepted, (annexation of the republic to the United States or the cession of Samana,) their tenor shall be obligatory for both parties, and shall be embraced without change in the definitive treaty.

"VI. In case the proposition relative to Samana should alone be accepted by the United States, and the sum of one hundred thousand hard dollars should be remitted to this capital of San Domingo, as provided in article 3, the Dominican government will abstain from receiving it until the Senate shall have approved the bargain, for which purpose it engages to submit that question, and to solicit the said approval as soon as the said sum may arrive.

"Done in duplicate in good faith, in the city of San Domingo, the fourth day of the month of September, in the year of our Lord one thousand eight hundred and sixty-nine.

"ORVILLE E. BABCOCK.

"MANUEL MARIA GAUTIER."

Mr. FERRY produced, and they were allowed to be put in as evidence, the following papers:

"Mr. Fish to General Babcock.

"DEPARTMENT OF STATE,

"Washington, July 13, 1869.

"GENERAL: The President, deeming it advisable to employ a special agent to obtain information in regard to the Dominican Republic, has selected you for that purpose.

"The points to which your inquiries will be directed are: the population of that republic, in towns and in the country, on the north and south coast, and in the interior, respectively; the number of whites, of pure Africans, of mulattoes, and of other mixtures of the African and Caucasian races; of Indians, and of the crosses between them and whites and Africans, respectively. You will also inquire and report upon the soils of the country, and their production in each locality; as to the timber, dye-woods, and minerals; and as to whether any mines are worked, and the extent and value of their proceeds.

"You will likewise endeavor to obtain full and accurate information in regard to the disposition of the government and people of that republic toward the United States, the character of the government, whether it be military or civil, whether it be stable or liable to be overthrown.

"It is also desirable to know what the revenues of that country may be, and whence derived, and the tonnage—to be classified so as to show the proportions of its foreign trade, under its own flag and under those of other countries. Similar returns in regard to the coasting trade would be acceptable. You will also ascertain what the debt, foreign and domestic, of that government may be, how long it may have to run, the rate of interest, and where the debt may be held.

"It is understood that the government paper money issued during one administration is often, if not usually, repudiated by its successor. You will endeavor to obtain full and accurate information on this point, the amounts of such money as may have been issued from time to time, and the sums on account thereof for which the government may, in any event, be liable.

"Inquiry should also be made as to whether any other foreign power may be seeking to obtain possession of any part of that country.

"Generally, any information tending to illustrate the condition and resources of that republic, and the character and influence of those charged with its destinies, would be acceptable.

"The sum of five hundred dollars is now advanced to you toward your expenses, of which you will keep an account, to be supported by vouchers when they can be obtained. Should the sum referred to prove to be insufficient, you are authorized to draw on this department for such further amounts as may be necessary.

"You are herewith furnished with a special passport for your protection.

"I am your obedient servant,

"HAMILTON FISH.

"ORVILLE E. BABCOCK,

"Brevet Brigadier General."

"Mr. Fish to General Babcock.

"DEPARTMENT OF STATE,

"Washington, November 6, 1869.

"SIR: The President having directed you to meet Mr. Raymond H. Perry in San Do

mingo, and to advise with him, unofficially, as to the execution of the powers with which he is intrusted to conclude a treaty and a convention with the Dominican Republic; and he also having further directed you in case of the execution of such treaty and convention, then, as an officer of the army of the United States, to take steps to carry out the agreement of the United States contained in said treaty, to protect the people of that republic against foreign interference while the nation is expressing its will, and also to protect the interests and rights which the United States may obtain under such convention, I now place in your hands herewith draughts of such a treaty and of such a convention as the United States are prepared to enter into with that republic. And it being contemplated that the United States shall make an advance to that republic, the President has also determined to place the advance in your hands, to be given to Mr. Perry when the negotiations shall have advanced to the proper point for its use; you will accordingly receive herewith, for that purpose, a draft on New York for one hundred thousand dollars, and also a quantity of arms and ammunition, valued at fifty thousand dollars, of which a schedule is annexed. Mr. Perry having been instructed to govern his course by your advice, I will add a few suggestions for your guidance in that respect, in the expectation that the minister for foreign affairs in the Dominican Republic will welcome you to his conferences with Mr. Perry.

"No apprehension is felt that any serious objections will be made by the Dominican Republic to the language used in these instruments. They are framed with a view to carry out the understanding which the authorities of that republic came to with you on your late visit. If it should be proposed, however, to vary the form of language, and by doing so the negotiations can be facilitated, Mr. Perry should yield to the wishes of that government in this respect, provided none of the essential features of the draughts are altered, and no new principles introduced. It is, however, possible that the Dominican government may propose that that republic shall be admitted into the Union as a State. Should this be the case, you will not fail to advise Mr. Perry to make it clear to them that, in the opinion of the President, that course would conflict with the spirit of the Constitution of the United States. That instrument provides but one way for the admission of new States into the Union, namely, through the agency of Congress. The third section of the fourth article of the Constitution says, explicitly: New States may be admitted *by the Congress* into this Union.

"He should also say to the Dominican government that, in the judgment of the President, it is clearly for the interest of their people that they should remain for the present in the condition of a Territory. You will represent to them that, under our forms of government, a Territory is almost as complete an autonomy as a State. It is true that the governor and some of the other functionaries are appointed from Washington, but the legislatures and the municipal corporations, which are the true depositaries of political power, are created by the local populations. These populations are entitled to be represented in Congress by a delegate, who sits in that body, but without a vote, and who is in a position to give to their interests all the care that a member of Congress could give to them. This representation will be open, in case of annexation, to any native of San Domingo upon whom the voters of that country see fit to confer it. But should the Dominican Republic be admitted as a State, this right would cease. To be a member of the Senate of the United States a previous citizenship of nine years is necessary; and to be a member of the House of Representatives a previous citizenship of seven years is necessary. No native Dominican, therefore, who has not been several years a citizen of the United States could be a member of Congress; and it is quite likely that these responsible offices, with their important duties, would fall into the hands of designing adventurers, with no present interest in the fortunes of the island. Such a result could not but be injurious both to San Domingo and to the United States. A short time spent under the mild and beneficent sway of the United States, while it will give stability to the political institutions of the republic, will qualify its citizens to become legislators for the great American Union.

"Mr. Perry will further say that the President does not doubt that Congress will be ready, when the proper time shall come, and at no distant day, to admit to the Union as a State the territory of the Dominican Republic, should the proposed treaty be executed and ratified.

"My attention has also been called to what is known as the Hartmont loan, and I am informed that the holders of that loan will claim a lien on Samana, and may even pretend that the lien is independent of the loan, and may exist after its payment. I inclose translations of the contracts under which that loan was effected, which contracts were published in the Bulletin Official of September 25, 1869, from which I judge that the first claim is well founded, and that the latter is without foundation. It is understood that the Dominican government has received fifty thousand pounds on account of the loan provided for by this contract, and only fifty thousand pounds. If any more has been received it must be deducted from the sum of one million five hundred thousand dollars, which is to be named in the treaty as the sum to be paid by this government to that of San Domingo, and the contract or 'treaty' with Messrs. Hartmont & Co. must be duly and legally canceled or relinquished by the holders before Mr. Perry signs any convention or treaty with the Dominican government; and he is, in any such event, to provide for the entire release of Samana from any and every lien or claim, in case any money is to be paid by the United States.

"There is also a loan, or a contemplated loan, known as the London loan. My information from London is to the effect that this has failed. Mr. Perry should, however, ascertain this fact, and make sure that if any part of it is outstanding proper provisions are made for

retiring the whole of it. All the subscriptions should be canceled, and all sums paid upon it should be refunded.

"Anticipating the probable execution of these instruments the Navy Department will receive orders from the President to place at your disposal, in the harbor of San Domingo, a force sufficient to enable the United States to comply with their agreement in the proposed treaty to protect the Dominican Republic until the will of its people can be ascertained, and also to receive possession of the territory and waters leased by the proposed convention to the United States.

"As to the former object, you will, when the treaty shall be executed, point out to the naval officer in command the obligation which the United States will have assumed, and will leave him to execute it.

"As to the latter object, in case of the delivery to the Dominican Republic of the one hundred and fifty thousand dollars, and the execution of the proposed convention, the officer detailed for that purpose will proceed to the Bay of Samana, and will there, under instructions from the Navy Department, take actual possession of the lands, coasts, islands, waters, and property leased, in the name of the United States, whenever it shall appear that the cession of the sovereignty and the dominions of the republic is not to be completed, and will give public notice that the occupation, title, and jurisdiction have changed, and that the United States will not respect any grants or concessions made by the Dominican Republic within the bounds of the territory leased subsequently to the preliminary arrangement made in September last, and that thereafter all titles must be derived from the United States.

"As soon as possible after performing these several duties, the President desires that you will return to the United States, and Mr. Perry will hand you the treaty and the convention, if executed on the part of the Dominican Republic, in order that you may bring them here to be submitted to the Senate at an early day. If it be possible, it is much to be desired that the authority from that government to its agent to exchange the ratifications at Washington should also accompany you.

"Although the treaty allows four months for the ascertainment of the will of the people of San Domingo on the question of annexation with the United States, it is thought that the expression of that will can be obtained in much less time, and you will ask Mr. Perry to urge upon the government there this view, and induce them, if possible, to obtain the popular expression in the shortest time consistent with its fair determination.

"The President enjoins that the fact and the object of your visit to San Domingo, as well as the provisions of the proposed instruments, shall be kept a secret as long as practicable.

"Your necessary personal expenses, while awaiting the result of Mr. Perry's negotiations, and while carrying out the President's instructions afterward, will be borne by this department, provided that you keep an accurate account of them, supporting the same with vouchers when practicable.

"In addition to the papers already referred to, I inclose a translation of an official statement of the debt of the Dominican Republic, and also an official statement of the grants and concessions already made by that republic, with a translation of the same; all of which papers the President desires to have officially certified as true and correct statements under the seal of that republic. I also inclose an official statement of the national property of the republic, with a translation thereof, which will serve to guide Mr. Perry in framing the schedule to the treaty, and also to aid you in giving the directions as to taking possession. I also inclose an official statement of the population of the republic.

"You will find herewith a sealed letter to the minister of foreign relations of the Dominican Republic, and open copy of the same.

"I am, sir, respectfully, your obedient servant,

"HAMILTON FISH.

"Brevet Brigadier General ORVILLE E. BABCOCK."

"Official statement of the Dominican concessions, with a translation of the same.

"LIST OF GRANTS WHICH HAVE BEEN MADE BY THE GOVERNMENT OF THE REPUBLIC TO INDIVIDUALS AND COMPANIES.

"1. Grant made to Mr. Davis Hatch, September 27, 1866, for the working of the salt mines in the parish of Neyba, and the establishment of a line of railway from the coast of Barahona to the place where the said salt mines are situated. (Annulled.)

"2. To Mr. J. W. Fabens, for geological examination and general mineralogical work in all provinces and districts, made July 3, 1868. This examination and work is superintended by Professor W. M. Gabb, of Philadelphia, as chief geologist.

"3. The agreement held with Mr. R. M. Funkhouser on the 7th day of October, 1868, for the establishment of a line of mail steamers between the ports of New York and New Orleans and those of the republic, for which the latter will pay fifteen per cent. of the import and export duties on merchandise conveyed by the said steamers.

"4. The permit granted to Mr. Pedro A. Delgado, to take guano from Alta Vela. (Annulled by a resolution of the government, with the approval of the senate.)

"5. The grant made to Mr. Edward Hartmont on the 1st day of February last, for the building of a railway from Monte Christi to Santiago, or from Santiago to Yuna, for which a donation of lands bordering upon the road will be made, and this will be done by a special grant.

"6. Grant made to Messrs. Edward Prime and Edward P. Hollister, dated the 4th of July last, for the establishment of a national bank.

"7. To Mr. Edward H. Hartmont, in case the loan of £420,000 be effected, a grant for the working of the Samana coal mines.

"GRANTS OF MINES.

"1. To the Industrial Improvement Company, to work a copper mine in the district of El Cobre, parish of San Cristóbal, (St. Christopher.)

"2. A grant to Mr. W. L. Cazneau, of a copper mine at Monte Mateo, in the district of Cambila, parish of San Cristóbal, January 18, 1867.

"3. A grant to the same party of a copper mine at Maño Malney, district of Cambila, parish of San Cristóbal, July 12, 1867.

"4. A grant to the same, at the place called Loma de le Boca de Diamante, in the parish of San Cristóbal, July 12, 1867.

"5. A grant to Messrs. Cambiaso & Co., to work the copper mines at the place called Boca de Cuajo, district of Medina, Upper Jaina, jurisdiction of San Cristóbal, under date of October 24, 1867.

"There are other grants of small importance, which have been annulled on account of the failure of the parties who received them to fulfill their engagements.

"M. M. GAUTIER.

"SAN DOMINGO, *September 3, 1869.*"

"Mr. Fish to General Babcock.

["Confidential.]

"DEPARTMENT OF STATE,

"Washington, November 6, 1869.

"SIR: The general instructions from this department of even date herewith forbid the conclusion of a treaty or convention unless the complete abrogation of the Hartmont contract can be secured. In case it becomes necessary, you may read that part of the general instructions to the Dominican government. But if you find that it is practically impossible to secure this point, you will not let this prevent the conclusion of a treaty by Mr. Perry. He must then endeavor to secure the best terms possible in regard to that contract; and if he finds that it is impossible to make any arrangements about it, the President authorizes him, nevertheless, to conclude a convention and treaty in which the Dominican Republic shall assume all future obligations growing out of the contract, and shall agree to protect the United States against the same.

"I am, sir, respectfully, your obedient servant,

"HAMILTON FISH.

"Brevet Brigadier General ORVILLE E. BABCOCK, &c."

"Mr. Fish to Mr. Perry.

"DEPARTMENT OF STATE,

"Washington, November 6, 1869.

"SIR: Herewith you will receive full powers from the President to conclude with the Dominican Republic a treaty for the cessions of the dominion and sovereignty of that republic to the United States, and also to conclude a convention with that republic for the lease of a specified territory about Samana Bay for a term of ninety-nine years, with a right of purchase.

"Brevet Brigadier General Orville E. Babcock will meet you at San Domingo, with powers from the President to direct the naval forces of the United States in the execution of any agreements which may be made with the Dominican Republic under these powers, and with the approval of General Babcock.

"It is the desire of the President that you should confer with General Babcock in every step of these negotiations, and to be governed by his advice, as he is fully possessed of the views of the President on the subject.

"You will find herewith a sealed letter to the minister of foreign relations of the Dominican Republic, with an open copy of the same.

"I am, sir, your obedient servant,

"HAMILTON FISH.

"RAYMOND H. PERRY,

"Commercial Agent at San Domingo."

"Mr. Fish to Mr. Gautier.

"DEPARTMENT OF STATE,

"Washington, November 6, 1869

SIR: In order to carry out the understanding that was informally come to between you and General Babcock in September last, the President of the United States has empowered Mr. Raymond H. Perry, the commercial agent at San Domingo, with plenary powers to conclude with the Dominican Republic a treaty for the cession of the dominions and sovereignty of that republic to the United States, and also (in the alternative) a convention for the lease of Samana and the adjacent territory to the United States.

"The President has also directed General Babcock, in consequence of his familiarity with the subject, to accompany Mr. Perry, without an official character, and has instructed Mr. Perry to advise with him in the negotiation. It is proper to add, for your excellency's information, that the laws of the United States prevent the President from giving to General Babcock an official character in these negotiations.

"I avail myself of this occasion to offer to your excellency the assurance of my most distinguished consideration.

"HAMILTON FISH.

"To his Excellency MANUEL MARIA GAUTIER,

"Minister of Foreign Affairs of the Dominican Republic."

"Mr. Fish to Mr. Gautier.

"DEPARTMENT OF STATE,

"Washington, November 6, 1869.

"SIR: General Orville E. Babcock is fully possessed of the President's views upon the subject of the negotiations which are intrusted to the official care of Mr. Raymond H. Perry, and has been instructed by the President to proceed (as an officer of the army of the United States) with Mr. Perry to San Domingo, for the purpose of acting on behalf of the United States when the treaty and convention shall be executed, should they be concluded. Mr. Perry has also been directed to confer at all times with General Babcock, and to be guided by his advice.

"Although the laws of the United States have prevented the President from giving an official position to General Babcock, it is hoped that your excellency will confer freely with him in these negotiations

"I avail myself of this occasion to offer to your excellency the assurance of my most distinguished consideration.

"HAMILTON FISH.

"His Excellency MANUEL MARIA GAUTIER,

"Minister of Foreign Affairs of the Dominican Republic."

RAYMOND H. PERRY'S examination resumed.

By Mr. SCHURZ:

Question. I saw a statement in the New York Times of yesterday to the effect that Mr. Smith had aided you in concocting the communication you addressed to the State Department, under date of June 7, 1870. Is that so?—Answer. No, sir. That communication was all finished when Mr. Smith arrived here, and I told him when he arrived that I had written a full statement of twenty-seven pages to the State Department; and Senator Howard can also prove that that letter was all written, and that he saw it in my room, before this investigation commenced.

Mr. HOWARD. I cannot swear to that.

The WITNESS. You asked me not to send it in to the State Department; you asked me what it was all about, and you told me you were going around to see the President then, and would make me all right with the President. Those are your very words.

Mr. HOWARD. You told me that it was not finished. That is what you said to me.

The WITNESS. I told you that I had written a full statement of all this matter, and intended sending it in to the State Department the next morning.

Mr. HOWARD. This is not the time for me to ask you as to that matter.

By Mr. SCHURZ:

Q. Is there anybody else who made any suggestions to you as to what you should write or should not write?—A. No one else that I know of. I can swear that no one else tried to influence me in my correspondence with the State Department.

Q. So you say that that communication of June 7, 1870, was entirely and exclusively your own work of composition?—A. Entirely. I have taken the advice of no one since I have come to Washington.

Q. You said that you did not desire to be sent to San Domingo?—A. Yes. I told Secretary Fish that I had been accustomed to a life of activity, one that required nerve and action, and that I did not think I was suited to the place. I also told General Dent so at the Executive Mansion.

Q. You say in your statement that you advised the State Department and General Babcock, more than once, of the bad reputation of Cazneau, &c. How did you do that?—A. By written communications.

Q. Have all the communications referring to that subject been laid before the committee, or are there any back?—A. There are some back yet.

Q. Will you show them to us?—A. They were in the State Department the night that Mr. Fish said there were no other communications on the subject.

Q. Read those communications.—A. I will here state that on my first arrival in Washington I called upon President Grant and Mr. Fish, the Secretary of State, and also upon Senator Chandler and several other senators. I spoke favorably of annexation, in favor of the island being annexed. At the same time I told them that there were a great many things in connection with annexation that should be cleared up before the island was annexed. I also stated very fully to Mr. Fish the facts connected with it. He asked me if I would write a full report in relation to the matter, and after I left him I understood there was to be an investigation of this thing, and I went to my room and wrote this communication:

"WASHINGTON, June 6, 1870.

"In compliance with your request that I should make a full statement of facts within my knowledge"—

By Mr. WILLIAMS:

Q. Do you read that in answer to the question, what communications you made in regard to Mr. Cazneau?—A. Yes, sir.

Mr. WILLIAMS. Go on.

The WITNESS, (continuing.) "Concerning the San Domingo treaty, I respectfully reply that since my arrival in Washington I have thought several times of making a thorough disclosure of parties connected with the San Domingo annexation, and nothing but the reluctance to do or to say anything that would influence the Senate in opposing the ratification of the treaty, and my regard for the reputation of one directly connected with the President, has prevented me doing so. I am and have been from the first strongly in favor of annexation, and have looked forward with pleasure to the time when the stars and stripes would wave over the most beautiful island in the world, with its bays, &c. I have opposed all violation of the treaty in San Domingo, and have thereby created an ill feeling toward me by the Dominican government and some Americans, principally by President Baez and Gautier, his secretary of state, who look to the interests of their friends. I decline to mention further names and further facts till such investigation be begun.

"Very respectfully, your obedient servant,

"RAYMOND H. PERRY.

"Hon. HAMILTON FISH,

"Secretary of State, Washington, D. C."

By Mr. FERRY:

Q. Is there any answer to that from Mr. Fish?—A. Yes, sir.

Q. Read it in that connection.—A. It is as follows:

"DEPARTMENT OF STATE,

"Washington, June 6, 1870.

"SIR: Your communication of even date is received.

"The charge, which you made verbally to me, was a specific one against a gentleman whom you referred to by name. My request was that you should reduce that specific charge to writing, in order that it might be presented to the President, as the subject of such inquiry as he might think proper to institute.

"I find that your communication not only fails to do so, but that you now 'decline to mention names and facts.' I am, therefore, forced to regard the particular charges, which you so made, as now withdrawn.

"I am, sir, your obedient servant,

"HAMILTON FISH.

"RAYMOND H. PERRY, Esq.,

"U. S. Commercial Agent, San Domingo, now in Washington."

As soon as I received that I immediately commenced the other communication.

Mr. SCHURZ:

Q. What charge is there referred to as having been made personally to Mr. Fish?—A. I had complained of General Babcock as being mixed up with Cazneau and Fabens in their concessions, and that correspondence had been carried on from the Executive Mansion with

those parties in San Domingo, and I also spoke of the acts of our naval ships, committed since we had been there, protecting Baez from the citizens of San Domingo.

Q. Are there any communications that you sent to the State Department, previous to your return from San Domingo, which have not been communicated to us?—A. Several; but perhaps Mr. Fish does not think they refer directly to this subject.

Q. I mean referring to Cazneau and those people.—A. I spoke of them in nearly every communication I wrote since I found out what their character was.

Q. Did you not write a confidential letter to Secretary Fish about that?—A. Yes, sir.

Q. Has that letter been laid before the committee?—A. I think so.

Q. You said in your statement that General Babcock, when you went to San Domingo, gave you letters of introduction to Cazneau and Fabens. Do you remember that General Babcock in his testimony said that he had cautioned you against Cazneau especially, or stated that he had received some information unfavorable to Cazneau from the State Department, and communicated that information to you—is that so?—A. I will state frankly that on the contrary General Babcock has always spoken in the highest terms of General Cazneau, even in his last communication to me.

Q. When he delivered this letter of introduction to you, did he at the same time caution you against Cazneau?—A. No, sir; he introduced me to him as a special friend and as a gentleman who had large interests in the island.

By Mr. WILLIAMS:

Q. Do you say positively that General Babcock did not inform you that Secretary Fish had told him that he had not much confidence in Mr. Cazneau?—A. Not a word of that kind was mentioned.

Q. He stated here that he told you personally that he knew nothing against Cazneau; that as far as he knew Mr. Cazneau was a gentleman, but that he told you that Secretary Fish had informed him he had not much confidence in him. You say there was no such conversation?—A. I would swear that no such conversation took place.

By Mr. SCHURZ:

Q. You say you were advised by General Babcock and General Ingalls to speak encouragingly with regard to the treaty and to mix no personal matters in your official communications?—A. Yes, sir.

Q. Have you communicated all the letters with reference to that subject?—A. I have a letter from General Ingalls, and also my reply.

Q. Let us have them.—A. General Ingalls's letter is dated March 31, 1870.

Q. Is that the same date with General Babcock's letter?—A. No; there is one day's difference. General Babcock's letter was dated the 30th, and this was the 31st, of March.

By Mr. VICKERS:

Q. Where was it written from?—A. General Ingalls's from New York; General Babcock's from Washington.

By Mr. SCHURZ:

Q. Read General Ingalls's letter.—A. It is:

"DEAR PERRY: If the same people who made our cigars will make five thousand more (Landres) for me, and you can send them to this harbor by some friendly officer on board any vessel coming here, I will thank you to give the order. I wish them made with the greatest possible care. Those I had made cost me fifteen dollars per thousand, cigar boxes included.

"Babcock sends letters to yourself and Fabens. If the Tybee does not touch at Samana, Fabens's letter must be given to General Cazneau. Please see to it.

"The Senate has been debating the treaty pretty sharply, but it will be confirmed shortly. The treaty *will* be ratified. The people must have patience. The subject was rather new here among the politicians, and they require time for information. Be careful to cultivate the idea of final annexation. Do not write, speak, or think otherwise.

"Be careful to mix no private or unofficial letters in your official correspondence. Be encouraging in all your letters.

"Give my respects to all my friends in San Domingo. I heartily wish for their prosperity, and that can be infinitely promoted by annexation.

"In haste, &c.,

"RUFUS INGALLS.

"NEW YORK, March 31, 1870."

Q. Had you mixed with official matters in your official correspondence any personal matter?—A. Nothing, except where it referred to parties acquiring property and concessions on the island.

Q. Cazneau and others?—A. I have never made any personal remarks in any way but what I thought concerned the financial interests of the two countries.

Q. What was the reply to that letter?—A. This was not written officially; it is a letter to General Ingalls:

“SAN DOMINGO CITY, April 15, 1870.

“MY DEAR SIR: Your kind note of March 31 was received by the Tybee, and I reply by return steamer.

“I am aware the Senate have had some sharp debates in regard to annexation. I can assure you that during my stay in San Domingo I have exerted every effort to aid the cause. I also have endeavored to hasten President Baez in his movements, and have suggested plans for arousing the people to action. But there is no use in disguising the fact that Baez and his cabinet have been exceedingly timid as regards the good faith of our government, and lost the first forty days' time listening to the advice of others.

“I can safely assert that I have never mingled private and official affairs in my official correspondence with the department save where it affected the interests of my government. Unbiased by friends or foes, I have endeavored, while occupying this position, to keep one undeviating line of duty. I shall not hesitate from motives of personal prudence to expose any intrigues against the interests of my government. Such I consider the only real course for me to take; and if others involved in the San Domingo question had adopted this line of conduct, I think there would not have been so much difficulty in securing the ratification of the treaty.

“With kind regards to all mutual friends, I am, very respectfully, your obedient servant,

“RAYMOND H. PERRY.

“General RUFUS INGALLS.”

Q. Is that all the correspondence you have had with General Ingalls?—A. I have since received a letter from General Ingalls.

Q. Produce that.—A. It is as follows:

“NEW YORK CITY,

“117 West Thirteenth street, June 18, 1870.

“MY DEAR SIR: I have heard that you have recently made official use of a private letter”——

I have made no official use of it.

——“which you stated I had written to you.

“Such action on the part of a gentleman surprises me greatly, and must have been brought about by some very unusual cause. As our relations have been of the most private, brief character, not unfriendly, I have to ask you to send me a copy of the letter referred to, if not the original. I desire simply to see whether or not my conduct, so far as you and San Domingo affairs are concerned, can be construed as obnoxious to criticism prejudicial to me. Please send it to the Arlington House, where I shall be during the day to-morrow.

“Your obedient servant,

“RUFUS INGALLS.

“To RAYMOND H. PERRY,

“United States Commercial Agent, San Domingo, Willard's Hotel, Washington.”

By Mr. HOWARD:

Q. Had you any interview with Mr. Smith, ex-commercial agent, before you delivered to the State Department your letter of the 7th of June?—A. That communication was all written and lying on the table in my room——

Q. The question is whether you had any intercourse, or interview, with him before you delivered the paper to the department?—A. Yes, sir; and I kept it back from the department on your advice and request.

Q. I do not ask you as to that now; I will come to that directly. You had had conferences with Mr. Smith?—A. Yes, sir.

Q. After you had written that letter, did Mr. Smith look it over?—A. I read parts of it to Mr. Smith.

Q. I hold the original now in my hand. Are there not interlineations there in the handwriting of Mr. Smith?—A. Not one.

Q. Are you sure?—A. Yes, sir; I will swear to it. Mr. Smith has not touched a pen to the paper in any way.

Q. In whose handwriting is the interlineation of the words, “or rather the people”?—A. I do not know, unless it is that of the clerk who copied it. I can produce the clerk who made the copy.

Q. You do not know whose handwriting it is in?—A. I do not.

Q. There is another interlineation of the word “equally.” In whose handwriting is that?—A. I presume those corrections were made by the copyist.

Q. Is that in the handwriting of the copyist?—A. I think it is.

Q. Then, on another page, the word “them” is written over an erasure. Do you know

in whose handwriting that is?—A. I think that was also written by the copyist. Mr. Smith has not touched pen to the paper.

Q. Who was the copyist?—A. A man over the office of Colonel Potter, the paymaster.

Q. There is another interlineation on another page of the words "protection of the." In whose handwriting is that?—A. I think that is the copyist's.

Q. And again, the word "taken" on another page?—A. I think that is the handwriting of the copyist.

Q. In another place the word "Fabens" is interlined. Do you say the same of this interlineation?—A. I think so.

Q. Are none of these interlineations in the handwriting of Mr. Smith?—A. I do not swear that they are not, but I say almost positively that I know they are not.

Q. You do not think they are?—A. I do not.

Q. There is the word "posted" interlined on another page. Do you think that is in the handwriting of the copyist?—A. I am very positive it is, but even if it was, those little sentences do not affect the meaning of the communication.

Q. In another place the words "and a dishonest man" are interlined. In whose handwriting are those words?—A. I have told you that I think all those interlineations are in the handwriting of the copyist.

Q. And not in the handwriting of Mr. Smith?—A. I think so. Mr. Smith has not been consulted in regard to that. The whole thing was written when he came here.

Q. The word "grant" is interlined in another place. In whose handwriting is that?—A. Mine.

Q. The closing paragraph of the letter is in your handwriting, is it not?—A. Yes, sir.

Q. You spoke of my calling upon you in your room. Do you recollect the date of that call?—A. I do.

Q. What was it?—A. The evening of the day this committee was appointed.

Q. Was it not before you were examined as a witness?—A. Yes, sir.

Q. The evening before?—A. Yes, sir.

Q. Did I not, when I called at your room at Willard's Hotel, say to you that your presence, as a witness, would be necessary the next day before the committee, and give you the hour?—A. I had already received a note from Senator Nye to that effect.

Q. Did I not tell you so?—A. You asked if I had received any information as to coming before the committee.

Q. When I came into your room did I not give you the time when you would be wanted?—A. You spoke of the investigation. I do not remember that you mentioned the time.

Q. Did I not say to you there and then that there was in Mr. Hatch's memorial a statement in which, as I thought, you had some interest, and that your attention would be particularly called to it; and that was, that the non-release of Hatch, as he thought, was in consequence of your arrival in San Domingo?—A. Yes, sir.

Q. Did I not state to you that you would be called as a witness, and I should want to ask you particularly about that?—A. Yes, sir.

Q. Did I not intimate to you that in my opinion that was a mistake on the part of Hatch in imputing to you or your arrival his non-release?—A. I think you did.

Q. Your table was then covered with papers, written, as I thought, in pencil, many of them?—A. They were all written in ink.

Q. No matter about that; there were sheets of paper on the table, and you appeared to be engaged in writing a letter which you said you were intending to send to the Secretary of State?—A. Yes, sir; and here is the one you saw there that evening.

Q. I merely saw the sheets on the table, and asked you what was the character of the letter which you were writing; and did I not suggest to you that perhaps you had better suspend the finishing of that letter until you might receive further instructions from the Secretary of State?—A. No, sir.

Q. Are you sure of that?—A. Yes, sir.

Q. Do you state that under your oath?—A. Yes, sir.

Mr. HOWARD. I can only state to the committee that I did make that suggestion to him myself, in those words.

The WITNESS. You said to me, "You must not think of presenting that paper to the State Department;" those were your very words.

Mr. HOWARD. What I said was, "You had better suspend the finishing of that letter until you hear from the Secretary of State;" and I said further, "So far as I can see, now, I cannot understand what beneficial result will be obtained from the writing of that letter, as you are to be examined at length before the committee."

The WITNESS. There is the card you sent to my room that evening, (producing a card with the words "Senator Howard" on it,) and this is the memorandum I made on the back of it: "June 8, promised to make me all right with the President if I would not send my report in to the State Department. He was then on his way to President's." That is the memorandum I made on the back of your card, and those were your words.

Mr. HOWARD. I can only say those were not my words and do not convey my idea as expressed to Mr. Perry.

The WITNESS. Then there is a falsehood between us?

Mr. HOWARD. Yes, if you choose to have it so.

Mr. VICKERS. Not necessarily; only a misconception.

The WITNESS. Did you not say that you were on your way to the President's and would make me all right with the President?

Mr. HOWARD. I did not tell you I would make you all right with the President. I was on my way to see General Babcock. I may have said that I was on my way to the President's, but not to see the President. I did not see the President.

By Mr. SCHURZ:

Q. Mr. Perry, you say in your statement that you had a conversation with Mr. Fabens on the way down, in the course of which he spoke unfavorably about Mr. Hatch?—A. Yes, sir.

Q. Mr. Fabens denies that. Will you give us the particulars as far as you remember them?—A. He spoke of Hatch's case, and said he was interfering with annexation, and also that he was interfering with plans that were going on upon the island. Colonel Fabens and myself walked on the hurricane deck very often after dinner, perhaps every day. He was constantly speaking of the opportunities I would have there of making money, &c.; and that he would indorse me, and that his friend General Cazneau would indorse me. He represented the immense sums that Cazneau had. He also expressed a wish that I would not intercede in behalf of Mr. Hatch.

Q. Are your recollections with regard to those conversations quite distinct?—A. Very distinct; for I have been very careful since I arrived here.

Q. You are sure you do not make a mistake?—A. I am sure; I swear to it.

Q. You say, in your statement, "General Babcock often told me I must stand by Cazneau and Fabens, and advise with them; that they represented large interests on the island, and that he had interests with them." When did those conversations occur?—A. He intimated the same thing to me when he gave me letters of introduction to them in Washington, and almost his last words when he went on the steamer Albany to Samana were, that I must stand by those men; that they were good men to advise with; and he also spoke of having interests with them, and that they had large interests on the island.

Q. Are your recollections quite distinct in regard to that point?—A. Perfectly so; and he also spoke of taking Fabens to Samana Bay, which I have not stated in this communication. He stated that he was going to leave Fabens at Samana to look after the flag, &c., there. I have not stated that in the communication, but such is the fact.

Q. You say that General Babcock told you, at San Domingo, that you must not attempt to release Mr. Hatch; that he would work against annexation, and was an enemy to Fabens, Cazneau, &c.?—A. Yes, sir.

Q. Do you reaffirm that statement here, in the presence of General Babcock and this committee?—A. I do.

Q. Are your recollections quite distinct in regard to that?—A. Perfectly so.

Q. You stated, in your communication, that people from Samana complained to you of Mr. Fabens receiving lumber and goods free of duty, and underselling them?—A. Yes, sir.

Q. Give us the particulars of that, as far as you remember.—A. They were given me on my way through. I also received a letter on the subject, which I have here written in French.

Q. Let us see that letter.—A. (Producing a letter.) It is from a merchant at Samana. I have also conversed with citizens there.

Q. Was the letter translated to you?—A. It was translated. I think it is in French.

Q. (Taking the letter.) Yes, it is in French. Does the letter touch this point?—A. It does.

The CHAIRMAN. I suppose it had better be read.

Mr. SCHURZ. Is it satisfactory to the committee that I should translate it?

The CHAIRMAN. Certainly.

Mr. SCHURZ translated the letter, as follows:

"SAMANA, April 12, 1870.

"Mr. CONSUL: On the second day of our trip we arrived at Samana. I must tell you that the captain of the Bibb, Mr. Robert Platt, has been very kind to me. I was attacked by a burning fever on board, and he has neglected nothing to give me all the care which my situation demanded. I am also very grateful to him for all the goodness he has had for me. And I thank you very sincerely for the eminent service which you have rendered me in making known to me this worthy officer of the American marine and in procuring me a passage on board the Bibb.

"Samana is in the enjoyment of perfect quiet. The population is perfectly tranquil. It is necessary that the American genius should give a little soul and vigor to this sleeping corpse."

"Mr. F * * * passes here as the indispensable man for the situation. He has on the island a great depot of building lumber, for which he has secured a passage through the custom-house as property of the United States, and, in consequence, without paying duty. The delegate officer of the government, Mr. A * * *, affirms that this building lumber

belongs certainly to Mr. Fabens, or at least to the company of the Tybee, of which he is the agent. He declares this fact in a manner so positive that it is impossible to doubt, and as for the rest, he sells these things to persons who want to buy them.

"Mr. F. * * * * has built also a very nice house, situated, so, to say, opposite the little city of Samana. It stands at the foot of a hill, which is very fertile and of a very picturesque aspect. All this is the property of Mr. Fabens during his life, if I am well informed. A few days ago, Mr. Fabens has received from the minister of the interior, of the Dominican government, G * * * *, a letter, by which the latter instructs him to go to San Domingo in order to leave on a diplomatic mission to the United States. According to Mr. A. he at first refused to yield to that invitation, inasmuch as he wanted to go from here direct to Washington, where great interests are to be solved, as he says, which call him immediately. However, it appears that he has decided otherwise, and, by the version which he has given me, the Tybee is to carry him to San Domingo, from where he will go to the United States. This would make me believe that his relations with the local authorities are very intimate, and very little disinterested. I believe, therefore, that you must expect to see him very soon in San Domingo.

"You seem to have some doubts as to the success of annexation. Mr. Fabens has none at all in this respect. He says that he is possessor of a letter which has been addressed to him by Mr. Sumner, which permits him to expect a very favorable solution of this question. On the other hand Mr. Fabens speaks of secret engagements taken by Mr. B*****, secretary of President Grant, which would go to assure annexation. Take good notice of this information, which may serve to enlighten you. If I might believe a report, which might almost be called official, Mr. Fabens is a man of violent and insatiable greed. It is affirmed to me that he has addressed a petition to the ayuntamiento of this place to demand forever the lease of a certain quantity of lands in the neighborhood of Samana. This demand has been made by Mr. Fabens as the representative of Mr. Sullivan, the latter citizen enjoying a great credit and extreme confidence of the United States, and especially with President Grant. This petition has been immediately accepted, and the lease has been made to him as the representative of Mr. Sullivan.

"I cannot understand what the idea of Mr. Fabens can have been in acting thus, but I can assure you that Mr. Sullivan was mortified by this scandalous act, and he has demanded an account of him. Mr. Fabens at first denied it, but when it was said to him that he would furnish him official proofs of this misconduct he avowed it; but he has given us a pretext that he had acted thus in order to arrive more easily at his ends.

"Then Mr. Sullivan said to him that he had never authorized him to use his name; but since he had done it he desired to have that land. Mr. Fabens refused, and Mr. Sullivan declared to him that he would make a protest after his arrival in the United States; and that he would find means to force him to remain within the limits of right and reason. It was Mr. A * * * * who was charged with the prosecution of this affair. I am assured that Mr. Fabens has insinuated to the Americans who live here since the time of Boyer that he is governor of Samana. Mr. A., when informed of this circumstance, sent to Mr. Fabens the poor devils, whenever they were in difficulty. Finally, when driven into his last intrenchments and unable to dupe anybody any longer, this ambitious man saw himself obliged to send them back to the office of the alcalde. But, devoured by the ardent stimulant of the passion of authority and burning with the desire to surround himself with power, even if that power should be fictitious and only fit to content his appetites, it is pretended that Mr. Fabens has pushed his monomania even to the point of admitting that some of his partisans spoke of uniting the people of this district in general assemblies, in order to secure him the realization of the dream of his predilection. What would the vote of these assemblies, composed exclusively of Dominicans, have signified? Was the cession of Samana up to this time made in an official form, by virtue of what law would such an expression of the sentiments of the population have been obtained? What would an authority, obtained in so singular and comical a way, have amounted to? Very happily, in time, wisdom and reason have enlightened him, and this droll project has been abandoned.

"They tell here a thousand other anecdotes all equally as amusing as this which I have just related to you, but it is enough for to-day. In another correspondence I will give them to you if they can amuse you in any way. In any case, if Mr. Fabens comes to the United States, as I have no doubt he will, you may be sure that he will return to Samana invested with the title of commercial agent. I must conclude, from the present situation of affairs, that my chances are very slight. In any case required on my account, the ambition does not spur me enough in my heart to induce me to do a mean thing. Being an adopted son of the glorious Star Spangled Banner, I shall never stain the honorable title of a citizen of the United States.

"The arrival of the Tybee prevents me from writing more extensively. It is four o'clock in the morning and this moment the Tybee fires its gun.

"I am, Mr. Consul, your humble and obedient servant,

"J. L. MARIA.

"RAYMOND H. PERRY,
"Consul United States of America."

Q. The letter refers to your having procured the writer a passage on board the Bibb; did you get him a passage?—A. I spoke to the captain who was going to Samana at the time and asked him if he could take this gentleman up with him.

Q. Who did you understand was meant in the letter by Mr. F——?—A. Mr. Fabens. I never saw this gentleman till the day before the Bibb sailed; when he came to ask me if I could get him a passage to Samana, I told him I could; and as he was going away I asked him to write me any news he had at Samana, as I was interested in hearing what was going on at Samana. He wrote me this letter.

Q. Who is the Mr. A. referred to in it?—A. I do not remember. I never answered the letter.

By Mr. HOWARD :

Q. Did you know the writer?—A. He was no friend of mine. I never heard of him before, and I never answered his letter.

By the CHAIRMAN :

Q. You got a passage for him, though?—A. I would get a passage for any stranger.

Q. Did you see him before he got it?—A. He came to my house. This naval officer was dining with me that afternoon, and I asked him about taking him up to Samana.

Q. What does he mean, do you know, in his expression in the letter that he was afraid that his chance was very slim; do you know to what that had reference?—A. No, sir.

By Mr. SCHURZ :

Q. He speaks of Fabens coming back as commercial agent, and says, in that connection, that his own chances were slim; do you know what he meant?—A. He had no chance of being commercial agent.

By the CHAIRMAN :

Q. Do you know what he referred to in that letter, when he said his chances were slim?—A. I do not; I never heard his name mentioned for any position, or his applying for any.

By Mr. HOWARD :

Q. State whether you ever knew the writer.—A. I saw him in Samana as I came through, and told him I had not answered his letter, and did not wish to carry on a correspondence.

Q. Where does he reside and carry on business?—A. He is a merchant at Samana, and has a store there. He is a Frenchman.

By the CHAIRMAN :

Q. You told the committee, by way of introduction to the reading of the letter, that you requested the writer to keep you advised of what was being done at Samana?—A. I did.

Q. Did you make that request of an entire stranger?—A. I did.

By Mr. SCHURZ :

Q. Had he introduced himself to you as an American citizen?—A. He told me he had American papers, and represented himself as a merchant at Samana.

By the CHAIRMAN :

Q. Is that all you know in regard to Mr. Fabens selling goods there?—A. No, sir. I also had it from two American citizens there from the State of Maine. I have their names and the circumstances connected with the affair. I had an interview with them at Samana as I came through.

By Mr. SCHURZ :

Q. Give us their names.—A. Benjamin Bower and Captain Rowe, from Rockland, Maine.

JUNE 16, 1870—7½ o'clock p. m.

RAYMOND H. PERRY's examination continued.

By Mr. SCHURZ :

Question. You said something about Captain Bunce having been sent to Puerto Plata for the purpose of watching there a revolutionary outbreak which seems to have been threatened. Give us the particulars of that affair.—Answer. President Baez told Admiral Poor in my presence—I always called upon the President with Admiral Poor whenever the admiral made his calls—that there was an attempt at revolution at Puerto Plata; an attempt on the part of the English and German merchants, encouraged by the English consul, Theodore Farrington. Admiral Poor immediately dispatched Captain Bunce, of the Nantasket, to go to Puerto Plata and inquire into the facts of the case. Captain Bunce went off there and had a correspondence with Farrington, copies of which I have, threatening to fire upon the town in case of any outbreak. There was a disturbance there, and a great many men were arrested; but all that were arrested were Dominicans—officers in the army and Dominican citizens. Captain Bunce returned to San Domingo City, stated the facts to Admiral Poor, and Admiral Poor went with me and called on President Baez again. Then

President Baez told Admiral Poor, in my presence, that the admiral had misunderstood him, that he had not made any such statements.

Q. Have you reason to suppose that the revolutionary movement there was intended and commenced by Dominicans and not by the foreign merchants?—A. Yes, sir; it was by Dominicans in the army. Officers in the Dominican army started it.

Q. There is something in your communication and also in your testimony about certain conversations you had with Don Carlos Baez and other senators concerning grants. State to us the circumstances under which those persons came to you and gave you your information.—A. The first information I had of the grant before the senate to Cazneau for those two hundred thousand acres for emigration purposes, and the one mile on each side of the railroad from San Domingo City to Azua, was given to Mr. Prime in his bank one morning by Don Carlos Baez, a member of the senate and a general in the army of President Baez. He stated to Mr. Prime, giving him a memorandum, that such grants were before the Senate, and that they were in violation of the treaty; and, unless some stop were put to them, Cazneau—he mentioned Cazneau in particular—would be in possession of all the public lands of the island; and he said he wanted me to protest against it. I have a memorandum in my book of the whole thing.

Q. Read the memorandum.—A. This memorandum Don Carlos Baez gave to Mr. Prime, who afterward handed it to me:

"Cazneau presented petition to senate April 29, approved by Gautier, secretary of state, for introducing emigrants, next two years two thousand emigrants—five hundred for the province of San Domingo, the balance for the frontiers; one hundred acres to each emigrant—the emigration to continue for two years. Cazneau reserves to himself the right to govern, administrate, and hold entire control of these lands. These emigrants not to be Dominicans—to be consequently under his control. Cazneau to be the absolute owner of any mines discovered or existing in these lands. Cazneau presented this same petition to Cabral, which was not acted upon."

By the CHAIRMAN:

Q. What was the date of the presentation of that petition?—A. April 29, 1870.

By Mr. SCHURZ:

Q. Did you take down that memorandum immediately after your conversation with those persons?—A. Immediately after; and then I called on the president of the senate, Pedro Garcia, and one other member, and they also asked me if I would not protest against these things. They said that Baez and Gautier were approving them, and they did not dare to take any side against them unless I would take a lead in the matter.

By Mr. WILLIAMS:

Q. Did you make that memorandum the day the conversation occurred?—A. I did.

Q. Then and there?—A. Yes, sir.

Q. For what purpose?—A. To protest against grants and concessions. I thought it was a violation of the treaty.

Q. Was that all the object you had in view?—A. The only object.

By Mr. SCHURZ:

Q. I wish to ask you a question in regard to a matter in which General Babcock's testimony is in conflict with yours, and that is your conversation with General Babcock on the 30th of May, at the Executive Mansion. You have already said in your previous testimony, referring to the 30th of May—"I met General Babcock on that morning at ten o'clock, or a little after ten. We were speaking about one matter or another—about San Domingo; and he said that it was a great pity that I had had that man Hatch released. I told him that I had direct orders from the State Department to secure his release. Then he said I could not help it, having received those orders; but it was a mistake, and that the President was very much displeased about it." Now will you give all the particulars about that matter, because it is a very important point in the case. Tell us whether your recollections in regard to that particular conversation are quite distinct?—A. Perfectly so.

Q. Did General Babcock express himself substantially in those words?—A. He did. I can repeat the exact words if you wish.

Q. Please do so.

The CHAIRMAN. If it is simply a repetition it is not worth while to load the record with it. The WITNESS. It is the very same words.

By Mr. SCHURZ:

Q. Did he say anything further?—A. He did not say anything further; and one reason why I wrote this full account to the State Department was that I had had a conversation with the President the day before, and he told me that I did perfectly right in protesting against grants.

Q. So that, on full consideration, you affirm your testimony as to your conversation with General Babcock on that occasion, in relation to Mr. Hatch's case?—A. I do.

Q. You said that Minister Gantier asked you to have the matter of the release of Mr. Hatch referred back to the government of the United States. Was that after you told him that you had received instructions from the State Department to use your good offices to procure the release of Mr. Hatch?—A. Yes, sir; it was after that. I took that order to Gantier and read it to him and President Baez in the presence of Mr. Delmonte. He wanted to refer it back again to Washington, but I told him it would take too long; it would take at least two months to get an answer.

Q. I understand you have two letters from General Babcock, which you desire to present.—A. Yes, sir.

Q. What are their dates?—A. I will read them. They are as follows:

“EXECUTIVE MANSION,

“Washington, D. C., October 28, 1869.

“MY DEAR MAJOR: I send by to-day's express a box marked to you and marked 'Books' in the corner. May I trouble you on reaching San Domingo City to send the box to Mr. M. Gantier, secretary of state, &c., and also ask you to send the two accompanying letters. I send you, also, a letter to my friend General W. L. Cazneau, who, I am sure, you will be pleased to know. Wishing you all success,

“I am your obedient servant,

“O. E. BABCOCK.

“R. H. PERRY, &c., &c.”

“UNITED STATES STEAMER ALBANY,

“Harbor San Domingo, November 18, 1869.

“MY DEAR MAJOR: The bearer of this goes to invite you to go off and to ask you to go with him to offer President Baez a national salute for his country. I shall be pleased to have you return with the bearer and bring Colonel Fabens with you.

Should President Baez or his cabinet ask you if I am on board the Albany, tell them you suppose I am; but should they not ask you, you need not mention the matter.

“I am, very truly, your obedient servant,

“O. E. BABCOCK.

“R. H. PERRY, &c., &c.”

Those are the only two letters bearing on those men.

By Mr. HOWARD:

Q. Do you recollect that I produced this morning your original letter to the Secretary of State, dated June 7, 1870, and that I left the letter by accident when the committee adjourned upon the table; did you carry it away?—A. I did.

Q. What authority did you have for carrying it away?—A. None at all.

Q. How, then, did it happen that you carried it away?—A. By mere accident. I had all my papers here where I am now sitting, at the corner of the table alongside of you. The gentleman sitting at the desk, Mr. Burche, picked up the paper, and I thought it was one of my papers. I have been very anxious and particular about my papers, because some of them relate directly to this matter, and I cannot do without them. I told him it was one of my papers, and I thought at the time it was, and I put it among the others.

Q. You were waited upon in the course of the afternoon by the messenger of this committee, Mr. Boyd, with a note from Mr. Burche asking you to send back the letter, were you not?—A. I was waited upon first by one gentleman, and afterward by another.

Q. My question is, were you waited upon by him?—A. Yes, sir.

Q. What reply did you make to him?—A. I told him I did not think I had any such paper, and I was surprised at the note.

Q. Did you look over your bundle?—A. I did.

Q. Did you hand that letter to Boyd from your bundle?—A. I asked him if that was the letter.

Q. What reply did he make?—A. He told me he thought it was.

Q. Did you hand it to him?—A. Yes, sir.

By the CHAIRMAN:

Q. Did you not see the mark of the State Department upon it?—A. I did then; but at the time I took it from the table I did not notice that mark.

By Mr. HOWARD:

Q. Did you take that letter away from Mr. Boyd before he left the room, and hand it to another person?—A. Yes, sir.

Q. Why did you do that?—A. Because that other gentleman came with the first order for it, and I thought the first order ought to have it.

By the CHAIRMAN:

Q. Had he made his errand known before Mr. Boyd got there?—A. That first gentleman had, and I told him I was surprised at the note. I did not understand it. I was very busy

in my room and sat down to write a reply to the note, for I did not think I could have made a mistake in taking the paper. Pretty soon this other gentleman came in with a note for the same paper, and I jumped up at once and looked at my bundle, and finding it I came to the conclusion that I should follow the rule "first come, first served."

Q. You knew that you took it from the table in this room, and you knew it was the paper I had been using at the session of the committee this morning. Why did you not return it to my messenger, Mr. Boyd, who was sent for it at my request by Mr. Burche?—A. I stated to the two gentlemen present, "I want to do what is fair about this thing; here you two gentlemen are with an order for the same paper," and I said "I think it is nothing more than fair that I should give it to the first one who came for it."

By Mr. HOWARD:

Q. Did you not know that I had produced the paper before the committee this morning?—A. I knew you had produced it.

Q. You knew that because I had it in my hand and examined you in regard to interlineations in it?—A. Yes, sir.

Q. Then on what authority did you deliver that paper to another person?—A. Because that person came with the first order, and it was from a senator.

Q. Did you not know that it was proper to deliver the paper to the person who came from me?—A. I asked those two gentlemen to decide between themselves which one should take it.

By the CHAIRMAN:

Q. You said that you gave it to Mr. Boyd, and then took it away from him and gave it to the other man. Why did you do that?—A. I did not really take it away; there was no force about it. I merely said, "I do not think it is fair that I should give this paper to you, but I think the first gentleman who came for it should have it." I gave it to the person who came with the first order.

Mr. SCHURZ. Will the chairman permit me to make a statement about this matter?

Mr. HOWARD. I have not got through; I wish Mr. Burche to be examined.

JOHN C. BURCHE sworn and examined.

By Mr. HOWARD:

Question. Are you acting as the clerk of this committee?—A. Yes, sir.

Q. Do you recollect the circumstance that occurred this morning in regard to a letter which I produced before the committee, dated 7th June, instant, written by Mr. Perry and stamped with the stamp of the State Department?—A. Generally, when the committee adjourns, I gather up the papers and lock them up. Gathering them up this morning I observed a paper on the table tied with red tape. General Schurz was in the room and I took it up and asked him, "General, is that your paper?" He said "No." Mr. Byington was standing here, and then I said to him, "It must be General Ferry's;" and I asked him if he knew anything about it. He said, "No; but if you will open it I will tell you." I opened it and we looked at it; and he said at once, "It is not General Ferry's." I observed a blue mark upon it and Mr. Perry stepped forward and said, "I think it is my paper." Being anxious to go up to the Senate Chamber I asked him, "Is that your paper?" and he said, "Yes." He had a large bundle and I gave it into his hands.

Q. Did you call his attention to the mark on it?—A. I said, "I think this is a State Department paper, for I see the stamp on it;" but I was in a great hurry. Mr. Byington stood alongside; Mr. Boyd was at the door, and I immediately went up stairs.

By Mr. FERRY:

Q. Was the large bundle of papers belonging to Mr. Perry which he now has before him here at the time?—A. I think so.

Q. And he was gathering his papers together?—A. Yes, sir.

Q. And this paper was lying near where his papers were?—A. It was lying on the table not far from the corner where he was.

By Mr. HOWARD:

Q. You called his attention to the departmental stamp upon it?—A. I think I called his attention to that.

By Mr. SCHURZ:

Q. Are you sure of that?—A. I would not be sure of it; but I think so from the fact that I opened it and the first thing that struck my attention was this stamp. I did not have my glasses on and could not see very distinctly. I may not have known exactly what it was at the time, but I have observed since.

By Mr. HOWARD:

Q. After he thus saw the stamp did he claim that that paper was his?—A. I asked him if he thought that paper was his, and he said, "Yes," and took it. I did not know at the time whether it was his or belonged to the committee.

By the CHAIRMAN :

Q. Did I request you to write a letter to Mr. Perry on the subject?—A. Yes, sir.

Q. Asking the return of the paper?—A. Yes, sir.

Q. Did you write it?—A. I did.

Q. Who carried it?—A. Mr. Boyd, the messenger at the door. He brought it back, and here it is.

Mr. SCHURZ. I desire to make a statement in regard to this matter. My attention was called to it in the Senate Chamber by Senator Ferry, who informed me that Senator Howard had told him that Mr. Perry had carried off his statement of the 7th of June, which had been used by Senator Howard, and from the way in which Senator Ferry explained the matter to me, I came to the conclusion that there was some suspicion attached to the action of Mr. Perry on the part of Senator Howard. I then said at once to Senator Ferry that if that was true, of course it was necessary that Mr. Perry should deliver up that package of papers immediately. Senator Ferry sat down and wrote a note to Mr. Perry, not knowing that from this office a message had been sent to Mr. Perry. I had no information about that at all.

Mr. HOWARD. It had not then been sent. It was some time after that, probably, that my messenger, Mr. Boyd, was sent.

Mr. SCHURZ. We shall see. Not knowing that, and seeing the clerk of the Committee on Foreign Relations, Mr. Holmes, standing on the floor of the Senate. I said to Mr. Holmes that I desired him to carry a note to Willard's Hotel, for the purpose of getting certain papers. Senator Ferry wrote the note and Mr. Holmes carried it and came back again in a very short time with this paper. I saw, also, Mr. Byington on the floor of the Senate, and knowing that Mr. Byington had been here in this room when I left it, and when, as I remembered, nobody was here except Mr. Perry, Mr. Burche, and Mr. Byington, I asked Mr. Byington whether he knew anything about that matter, and he said he did. I asked him to stay this evening for the purpose of testifying in the case, should a question be raised about it. He said to me that it was absolutely necessary for him to leave for home to-night, but he would sit down and under the oath which he had taken this morning give a statement of what he remembered of the facts; and here is his statement. I can testify to his signature myself because I saw him sign it. Shall I read it?

The CHAIRMAN. Certainly.

Mr. SCHURZ. His statement is :

“WASHINGTON, June 16, 1870.

“The facts within my knowledge concerning the copy of Mr. Perry's report, taken by him this morning from the committee-room, are as follows :

“The clerk of the special committee to investigate the matter of Davis Hatch handed me a roll of manuscript, saying it belonged to Mr. Ferry. I offered to carry it to Mr. Ferry who had just gone to the Senate Chamber. The clerk unrolled it, to be sure of its character, when Mr. Perry, who was standing by packing up his papers, remarked, ‘That is my report;’ and it was passed through my hands from the clerk to Mr. Perry, when I passed out.

“This statement I make in writing, on account of being obliged to leave the city before the evening session of the committee, under the obligation of my oath taken this morning.

“Respectfully,

“A. H. BYINGTON.”

The CHAIRMAN. Then it seems he knew what it was.

Mr. SCHURZ. Certainly. As to what happened at the hotel, Mr. Holmes is in the room of the Committee on Foreign Relations this evening and can be here at any moment to give his testimony in regard to that.

R. H. PERRY. I should like to state, sir, that my attention was not called to any blue mark on the document. I would swear to that. I mistook the paper for my report, the original of which I had in my pocket at the time. I supposed at the moment I had taken it out of my pocket and left it on the table, and that was the cause of the mistake.

Q. (By Mr. HOWARD.) Was yours done up in red tape?—A. Red tape was attached to it.

Q. Had your copy which you speak of a piece of red tape around it?—A. No, sir; there was not red tape about that at the time.

GEORGE BOYD sworn and examined.

By Mr. HOWARD :

Question. Did you carry a note from Mr. Burche, clerk of this committee, to Willard's Hotel to Mr. Perry?—Answer. Yes, sir.

Q. State to the committee what occurred.—A. I went to the office at Willard's and inquired if Mr. Perry was in his room. They told me yes. I asked them to send somebody up to show me which room it was. They sent a colored man up with me. I knocked at the door, and Mr. Perry came to the door and let me in. I found Mr. Perry in there with a young gentleman whom I did not know at the time. The two were in the room. I handed

to Mr. Perry Mr. Burche's letter, and while he was reading it I explained to him what it was, and said to him, "Mr. Burche has given such a minute description of that paper that if you will open that bundle of yours which you took away this morning I think I can point it out." The bundle was lying on the bed, tied up in about the same way as it was when he took it away this morning. He went to the bundle and untied it, and I stood alongside. The moment he took out this paper I saw the mark of the State Department on it. I understood Mr. Burche to tell me that the mark was of the Navy Department. The moment I saw the mark I said, "There is the stamp upon it." I forget whether he took it out of the bundle or I took it, but he said "Yes, that is it; I don't want it; I have got a copy of it;" and he took it out. I did not read it, but he took it out, and taking a loose piece of red tape from the bundle he tied it around it. I had it in my hand and was about coming off with it.

By Mr. FERRY:

Q Do you say there was no red tape on it in the bundle?—A. There was not; it was loose; but there was a piece of red tape lying loose in the bundle which I took up and tied around it. I held it in my hand. Some general conversation passed. He said that he had a copy of it, or something like that; I do not remember the words exactly; when all of a sudden he whipped it out of my hand and said: "I have a prior order for that from Senator Ferry." Said I, "What are you going to do with it?" Said he, "I am going to give it to Senator Ferry." Said I "If I had not had it in my hand, I should not care what you did with it. It is nothing to me. All I want is to get an answer, but I think it is sharp practice." I think I made a more emphatic remark than that.

By Mr. HOWARD:

Q. What did you say, and what did he say in reply?—A. I said it was damned sharp practice. He said he had got a prior order. Said I, "It is damned sharp practice anyhow." "Well," said he, "what are you going to do about it? What do you want—satisfaction?" Said I, "I do not want any satisfaction." He pointed to his revolver on the bed. I said "I do not know about any satisfaction." If I had not had the paper in my hands I should not have cared, but I did not like the way he took it from me.

Q. Did he speak rudely to you when he asked you what you were going to do about it?—A. Yes; he said he would give me satisfaction. I went to the door and cleared out. Afterward I found out that that young gentleman who was there, or he told me himself, was the clerk of Mr. Sumner's committee. Said I, "Well, that will be all right; the document will get there, I suppose, and I will go back and report."

By Mr. WILLIAMS:

Q. Before you started did Mr. Burche tell you that the paper had a blue seal, the seal of the department?—A. No, sir, he did not tell me anything about any blue seal. When he gave me the description, he said it was a short round roll of paper that had been left here and put by mistake into Mr. Perry's bundle. He spoke to me as though the paper had been taken by mistake, inadvertently, and put into the bundle.

Q. How did you know there was a seal on it?—A. He did not say there was a seal, but a red stamp, I understood. I saw the stamp when Mr. Perry opened it. I think he opened it, and I said at once, "That is it." We both agreed that that was the paper, and then he identified it, saying that he had a copy of it and did not want it. At the head of the paper there was a sort of stamp which I noticed.

By Mr. SCHURZ:

Q. You say that you indulged in rather sharp language?—A. After the paper was taken out of my hand I was irritated, and I said what I have stated.

Q. You were somewhat irritated?—A. Not much; about as I am now; but he snapped it off so quick that I was not prepared for it.

By Mr. WARNER:

Q. Did he snatch the paper from you?—A. He took it out of my hand and said, "I have a prior order for it." Said I, "That is sharp practice; if I had not had the paper in my hand you might have done what you pleased with it." That is about the whole of our conversation. Afterward the gentleman who was there, Mr. Holmes, told me he was clerk to the Committee on Foreign Relations. I did not know him at the time, and did not know what they were going to do with the paper, and it made me a little irritated to have it taken from me when I had once had it in my possession.

EDWARD JACKSON HOLMES sworn and examined.

By the CHAIRMAN:

Q Will you please give your statement about this matter?—A. To-day Mr. Sumner informed me that Mr. Schurz wanted me to do an errand for him, and then it appeared that the errand came from Mr. Ferry. I was to wait a moment to receive a letter from him, which I took without knowing what was in it, except that I was to bring back something; I did not

know what. I went with it and called on Mr. Perry at Willard's Hotel. When I inquired for him, I was told that he had just taken his key and gone up to his room. I went up there and knocked at his door, but he had not got in. I was just about going to turn down when he met me. He had a large bundle of papers in his hand, surrounded by a newspaper, tied up. Then we stepped into his room and I handed him this letter, telling him who I was. He read the letter, and then made some remark which I judged to be to the effect that he did not know what the meaning of it was. I did not know what he meant by that, because I did not know what was in the letter. I told him he had better write an answer to the letter, and he sat down to do it, and was writing, or I think had written, the answer. At all events, we then entered into a general conversation, because he professed not to be able to give me the paper I wanted; and then this other man, Mr. Boyd, came in and he handed over the letter that he had, and then Mr. Perry said to him that another gentleman had just come on the same message, but that he was not aware that he had the paper; but he would look over his papers, because he might have got it mixed with them. So Mr. Boyd and Mr. Perry both went to the bed on which Mr. Perry had thrown the bundle, untied the bundle, and then they began to turn over the papers. Mr. Boyd said: "I guess that is it," pointing to a round roll. Mr. Perry said: "I think it is;" and he took it up. It was tied with red tape, and he undid it, and said: "That is it;" and then he tied it up again. When he undid it, there appeared the blue mark of the Department of State. We had some general talk among ourselves, not with reference to this paper. All I know is that I had it in my hand, and there was absolutely no violence, no movement whatever. The first that I heard of that suggestion was as coming from Mr. Howard's lips. The idea never entered my head there that there was any quickness about it. I saw everything that was done there.

By Mr. SCHURZ:

Q. Did you hear any conversation passing about "satisfaction?"—A. I will come to that in a moment. I had the paper in my hand, and I kept it—a round roll of paper; and as I started to go—

By the CHAIRMAN:

Q. Who gave it to you?—A. I do not remember. It was given to me without any emotion or disturbance whatever. I had had it for some minutes in my hand holding it, and had rolled a piece of paper around it so that it might be covered up; and I stood there with this in my hand when I made a motion toward going. Then Mr. Boyd wanted the paper; but I was not going to let him have it, because I already had it, and I considered that I had the first right to it, as I had the first order. Mr. Perry said, pointing to me, "I consider that this gentleman has the first right to it, for he had the prior order." He said, further, "I do not care who has it; all I want is, to do right; I do not care one sixpence who has it; I only want the person to have it to whom it belongs." I repeated, that I considered I had the first right to it, as I had come first. Then said Mr. Boyd, "You would not have found it if it had not been for me." Mr. Perry said, perhaps not; but that I had the first order. Then I started to go, and both of us stood at the door. Mr. Boyd then said, "Well, I consider it pretty sharp practice; I got it, and I had it in my hand first;" which was true. Said he, "I consider it pretty sharp practice that, after I had it in my hand, he should go off with it." I said, "Well, I have got it," and I gave him to understand that I was going to keep it; and I considered that the whole deciding of that matter rested with me, and not with Mr. Perry.

By Mr. HOWARD:

Q. Were you not informed that I had charge of the paper, and that I had used it in the committee?—A. No, sir.

Q. Did not the note say so?—A. I did not read the note.

Mr. SCHURZ. The note is here, and it is in these words:

"Mr. PERRY: Mr. Howard says you took away the report of June 7th of the Secretary of State. If so, please send it by bearer immediately.

"Yours, truly,

"JOHN C. BURCHE."

Now, I will ask Mr. Holmes whether Mr. Perry said anything about a revolver?

The WITNESS. Nothing whatever. No allusion was made to a revolver. There was no pointing at it.

By Mr. HOWARD:

Q. Did you see a revolver on his bed?—A. Yes, sir; there was a revolver on his bed.

By Mr. WILLIAMS:

Q. What was said about satisfaction? You said you were coming to that; you have not come to it yet.—A. Mr. Boyd said it was damned sharp practice. "Very well," said Mr. Perry, "I will give you any satisfaction you want," and I understood it to mean that he

was not going to back down from the ground he had taken. It never occurred to me, as a spectator, that he meant anything beyond the fact that he was going to stand by the position he had taken.

RAYMOND H. PERRY'S examination resumed.

By Mr. VICKERS:

Question. This paper (your communication of June 7th) had been copied by Mr. Murphy?—Answer. Yes, sir; copied and published before this proceeding took place.

By Mr. WARNER:

Q. Did you have full knowledge of the contents of the treaty when you signed it?—A. Yes, sir.

Q. Did you approve it?—A. All, except those two things I have spoken of, the national debt and the note from Baez to Hartmont.

Q. Did you approve the treaty when you signed it?—A. It was not for me to approve one way or the other. It was ordered for me to sign it. I had nothing to do with approving it.

Q. Did you speak to senators in favor of the treaty after you came to Washington from San Domingo?—A. I did, to Senator Chandler and others.

Q. Did you speak to General Babcock in favor of the treaty after you came to Washington?—A. Yes, sir; I have tried in every way to help the treaty along.

Q. Did you speak to Mr. Fish, the Secretary of State, in favor of the treaty after you came to Washington?—A. I think I did.

Q. Did you speak to the President in favor of the treaty after you came to Washington?—A. I think I did.

Q. Did you make any complaint to the President or Mr. Fish on your arrival in Washington from San Domingo about General Babcock's conduct in regard to Mr. Hatch, or in regard to the negotiation of the treaty?—A. Yes, sir; to both gentlemen, to the President and the Secretary of State.

Q. Immediately upon your arrival?—A. On my arrival.

Q. Did you ask for sixty days' leave of absence from your post at San Domingo?—A. Yes, sir.

Q. What was your object in so doing, and in coming to Washington?—A. Because I saw the way things were going in connection with this treaty. I wanted to return and bring my family home, as the summer months were commencing. That was one thing; and I also saw the way things were going on there, and I could not indorse things that were transpiring, and I wanted to come home and make a clean breast of the whole affair and resign, which I intend doing as soon as this thing is cleared up.

Q. Did you or did you not come to Washington for the purpose of opposing the ratification of the treaty?—A. No, sir, I did not; I had no such intention.

By the CHAIRMAN:

Q. Did you write a letter asking a leave of absence?—A. Yes, sir.

By Mr. WARNER:

Q. What do you mean, in brief, by "making a clean breast of it"?—A. Telling everything in connection with the treaty—everything I knew about it. In a great many of my communications from San Domingo I think I have misrepresented things to the State Department. I had no business to do so. They have tried to influence me in reports—different parties—but I had no business to be influenced in any way. I have worked every way I could to help the treaty.

By the CHAIRMAN:

Q. Do you mean to say now that at the time you wrote those letters you knew them to be untruthful?—A. I do not mean to say they were exactly untruthful, but I have talked to Mr. Prime, my friend—

Q. Never mind Mr. Prime now, or anybody else. Do you mean to say here at the time you sent those letters they were not the truth?—A. I mean to say there are certain things in them that are not exactly as they should have been represented.

Q. Answer my question. Did you know at the time you sent any of those communications that you stated in them what was not true?—A. The whole thing—

Q. Answer the question.—A. I cannot answer that question, because I never tell falsehoods.

Q. Do you mean to say now that you either told that which was not true, or that you withheld that which you knew was true in those communications?—A. No, sir; I do not think in any one of my communications to the State Department I stated anything that was not exactly true.

Q. Nor withheld things that you knew were true that it was important for the State Department to know?—A. I have withheld a great many things that were true.

Q. In almost all those letters did you not say that your only desire was to tell the truth exactly as it was?—A. Yes, sir.

Q. Did you know at that time that you had not told it exactly as it was to your govern-

ment?—A. I did not know at the time I wrote the letters. The facts occurred since writing those letters.

Q. Let me call your attention to a fact about which there cannot be any mistake. Did you report, in any possible way, to the State Department that the elections were not conducted fairly; or, on the contrary, did you not say in your communications that they were?—A. I have never criticised the election in San Domingo.

Q. Did you ever, in any of your communications to the State Department, say that there was anything wrong about the elections?—A. No, sir; and I did not say they were right, either.

Q. Did you not state they were going on peacefully and harmoniously and almost unanimously?—A. They were going on peacefully, and the votes were unanimous because there was no opposition allowed.

Q. You have said here in your testimony now, that persons were exiled who proposed to vote against annexation, and that persons were imprisoned and threatened?—A. Yes, sir.

Q. Did you know that at the time you wrote the communication?—A. Yes, sir.

Q. Why did you not write it?—A. Because none of the naval officers there, or myself, to tell you the truth, dared to write exactly the way things were going on; it would have cost us our positions, and I have heard naval officers say so.

Q. Speak for yourself. Do you mean to say now, that the reason you did not write the whole truth was, that you were afraid it would cost you your position?—A. Yes, sir.

By Mr. HOWARD:

Q. You say that no opposition was allowed at the election, and you have repeated this. I think you stated that, in your letter of the 7th of June. Did you state or intimate, in any of your dispatches to your government, that no opposition was allowed at the elections? Have you ever stated it, in any dispatch or letter to the President or the Secretary of State?—A. I have stated that men were banished and imprisoned.

Q. That does not answer the question. Did you state that no opposition was allowed?—A. I have not stated that.

Q. And you have not stated anything of the kind?—A. I have stated something of the kind. I stated, in one of my communications, that men were banished and imprisoned for political expressions.

Q. For opposition to annexation?—A. Yes, sir.

By the CHAIRMAN:

Q. In which one of your communications did you state that?—A. In one of my communications to the State Department I said that everything was going on quietly, with the exception of the banishment and imprisonment of political parties there.

Q. Did you state in any one of them that it was for trying to vote?—A. I do not remember that.

Q. Or for voting in opposition to annexation?—A. No, sir.

Q. Did you ever state that to the State Department?—A. I do not think I ever did. That is what I got my sixty days' leave for, to come on and explain.

By Mr. WARNER:

Q. When you arrived in Washington from San Domingo did you believe that General Babcock had interfered wrongfully to prevent the release of Mr. Hatch?—A. I did.

Q. Did you so inform the President and Mr. Fish?—A. I am very positive I did.

Q. In what way did you inform them?—A. I had a memorandum in my pocket of all things connected with San Domingo, and also in relation to Mr. Hatch, and I went through that memorandum with the President and Mr. Fish also.

Q. Did you make any written complaint to either of them in regard to his conduct?—A. Not when I first came here. I called on both and went through my memorandum of things in connection with San Domingo.

Q. You said orally to both, did you, that General Babcock had interfered to keep Mr. Hatch in prison?—A. I am very positive I did. I know that was on my memorandum among other things that I spoke of.

By the CHAIRMAN:

Q. Your memory is what is inquired as to?—A. If you are going into that I must tell you frankly that I have had no encouragement from any one.

By Mr. WARNER:

Q. I want a simple answer to the question.—A. But you are asking questions that are going into other questions.

Q. It can be answered by yes or no.—A. If you are going to trace this thing back to this department, I shall have to tell the whole truth.

By Mr. VICKERS:

Q. Tell all you know.—A. I have been requested to say nothing about these things; and when I went to tell them, I was left alone in the room.

By Mr. WARNER :

Q. Do I understand you to say positively that you did complain orally to the President and Mr. Fish that General Babcock had interfered to prevent Mr. Hatch's release?—A. I will not swear about Babcock. I commenced to tell about the votes and the naval officers' acts, and the case of Mr. Hatch was on my memorandum. I commenced the memorandum to go through with it, but I saw that it was not acceptable, and I stopped.

Q. It has been shown in the testimony to-night that you had a revolver lying upon your bed in your room. Are you in the habit of going armed about the city of Washington?—A. I have not been without a revolver since I was twenty years old.

Q. Did you come to the meeting of this committee this morning armed?—A. I have not been without a revolver a day for years. I have always carried one.

By the CHAIRMAN :

Q. Are you armed now?—A. Always.

By Mr. WARNER :

Q. What with?—A. A revolver.

Q. What is the reason of your wearing arms here in Washington and in this committee-room, at the meetings of the committee?—A. I do not make it a special thing to wear it at the committee-room. I have never been without a revolver for the past sixteen or eighteen years.

By Mr. VICKERS :

Q. Is it your practice at all times to carry arms?—A. Always. I have been accustomed to frontier life, and have never been without one in ten or eighteen years. I have a written permission from Sheridan, and other officers, to always go armed, which, of course, would have no effect here, but I mention it to show what I have always been accustomed to.

Q. When you started for San Domingo what was your understanding as to the object for which you were sent there?—A. I understood there was some movement on foot to annex that country to this.

Q. Did anybody tell you that you were sent there in connection with the annexation movement?—A. Secretary Fish gave me to understand that there were important movements on foot with that government, and I had understood it from outside parties, and there had been one or two pieces in the newspapers in relation to San Domingo annexation.

Q. When and where did you receive your commission to negotiate this treaty?—A. In San Domingo, on the 18th of November, 1869.

Q. Did you know before that time that you were to receive power to negotiate the treaty?—A. I did not.

Q. How does it happen then that Mr. Fabens insisted on the way down with you that you should not release Mr. Hatch, for fear it would interfere with the annexation of San Domingo to the United States?—A. Because he intimated that it would interfere with movements that were on foot between the two governments.

Q. Did you know at that time that you were to have any connection with that movement further than as the commercial agent of the United States in San Domingo?—A. No, sir, I did not; but I expressed to the Secretary of State that I did not like the errand, and did not want to go on it. I had been accustomed to special duty with General Sheridan, and I thought there might be some important mission that they wanted me to watch there.

Q. Did Mr. Fabens tell you that you were to receive a commission to negotiate a treaty?—A. No, sir.

Q. Did he tell you that there were movements on foot to annex San Domingo to the United States?—A. He intimated as much, and from what I had seen in the papers, and what I had drawn from parties in Washington, I understood that was the object.

Q. How did he intimate it?—A. In speaking of the island, and of the increase of the value of the property there in case of annexation, which was talked of then in the States, &c.; we were talking about it every day after dinner, walking the deck.

Q. You say he insisted to you during that trip that you should not interfere for Mr. Hatch because Mr. Hatch would oppose the annexation of San Domingo to the United States?—A. He did not insist; he could not insist—it was beyond his reach; but he advised me not to do so.

Q. Had you any information as to the imprisonment of Mr. Hatch before you left New York?—A. Yes, sir. General Babcock spoke to me about it. I have a memorandum now at the hotel in an old book of mine, that General Babcock had cautioned me in regard to Mr. Hatch and Judge O'Sullivan.

Q. Was there any report, at the time you went to San Domingo, that Mr. Hatch had been pardoned?—A. I think not.

Q. You heard nothing of that kind?—A. Not that he had been.

Mr. SCHURZ. It occurs to me that Mr. Perry does not exactly understand the question. (To the witness.) I will ask you this: Did you get any information when you arrived at San Domingo of the fact that Mr. Hatch had been sentenced to death, and that his sentence had been commuted to banishment?—A. Yes, sir. I did get that as soon as I arrived there.

By Mr. WILLIAMS :

Q. Was there anything said to you about that by anybody before you reached San Domingo?—A. Not about his sentence of death being commuted, that I remember.

Q. Was there anything said about his being sentenced to death?—A. General Babcock told me that he was in trouble, and was a mischievous man who would make trouble, and he did not want me to intercede for him.

Q. Where did he tell you that Mr. Hatch was a mischievous man, and that he did not want you to intercede for him?—A. In his room at the Executive Mansion.

Q. That is a new version of the conversation. Did he say anything more of that nature to you at that time?—A. Merely in speaking of him he made those remarks.

Q. Mischievous in what way?—A. I do not say that those were his exact words, but he said that Hatch was in trouble there about vessels and mixing up in political matters.

Q. Did General Babcock ever intimate to you before you left that he would have anything to do with the annexation of San Domingo, or that you would have anything to do with it?—A. He said that Hatch would interfere with movements that were on foot. Those were his words.

Q. Do you mean to say that the language he used was that Hatch would interfere with movements that were on foot, or that he would interfere with annexation?—A. That he would interfere with movements on foot, and those movements I understood to be annexation. That was the inference I drew.

Q. When you started from New York did General Babcock communicate to your wife what was understood between them to be a secret?—A. Yes, sir.

Q. Do you not know that he never mentioned that matter of annexation to anybody at that time except to your wife, and that to her he communicated it as a secret?—A. Yes, sir. I know he did to my wife, but at the same time I knew of it myself. Parties were speaking of it in Providence, Rhode Island, when I passed through there, and wanted to know if I was to help this matter by going out there—parties interested in speculations and who knew all about it—that a movement was on foot for annexation.

By the CHAIRMAN :

Q. You knew about it?—A. Yes, sir, I knew about it. I did not say much in Washington, because I understood the whole thing was to be kept quiet.

By Mr. SCHURZ :

Q. Did you see reports about it in the newspapers?—A. Yes, sir; it was generally understood.

By Mr. WILLIAMS :

Q. You stated in your former testimony that you received letters from Mr. Hatch while he was in prison at Azua, to which you made no written answers, but sent messages to him, which you know he received, because you had seen Mr. Hatch since that time, and he had told you so.—A. Yes, sir.

Q. Mr. Hatch says positively that he received no communication of any nature or description from you at that time. Who is mistaken about that matter?—A. Mr. Hatch is mistaken, for I can give the name of the man by whom I sent the message.

By Mr. FERRY :

Q. Who was it?—A. An Englishman, who represented an English house at St. Thomas. He was stopping at the Commercial Hotel in San Domingo.

Q. Then Mr. Hatch misrepresents the facts when he says that he did not receive any communication from you?—A. I think so; because the Englishman told me he had given my messages to him, and Mr. Hatch also told me the last time I saw him in San Domingo that he had seen this man, and that I had promised him that I would do so and so.

By Mr. SCHURZ :

Q. You sent a telegraphic dispatch to the State Department when the election in San Domingo had taken place, stating that the voting had been enthusiastic and that everything looked favorable?—A. Yes, sir.

Q. How did you come to send that dispatch?—A. By special request of President Baez and Mr. Cazneau. They sent for me. They stated that this election was going on, that the thing had been unanimous in the city with but one opposing vote. I thought it very strange and I asked, "Who is that one who voted in opposition; can you give me his name?" They told me who he was, and they said they wanted me to send this telegram to Havana to be telegraphed to Washington.

Q. Did they give you the language of the telegram?—A. I wrote the telegram and they corrected it and wanted me to send it in those words, which I did.

By Mr. HOWARD :

Q. Did you not believe it to be true when you sent it?—A. I believed that the way they took the vote there was a majority.

Q. Did you not believe the contents of the telegram you sent were true?—A. It was true that the vote was carried in the city.

Q. You believed the statement of the telegram to be true that annexation was enthusiastically carried?—A. It was quite enthusiastic. There were bands around the street.

By Mr. SCHURZ:

Q. What did the enthusiasm consist in?—A. There was a band of music on the street.

Q. Was there any shouting?—A. There was no shouting. Parties were coming up and signing their names.

Q. You said that when you spoke here to official persons and explained to them the true condition of things in San Domingo, and the true history of the matter, they turned their backs on you. What did you mean to indicate by that?—A. I meant to say that I received no encouragement in speaking the truth in relation to San Domingo, either in San Domingo or in Washington.

Q. When you say that, to what persons do you refer; to the Secretary of State?—A. I refer to the officials that I have come in contact with in Washington. I do not like to mention names; but that is the feeling I met with here.

The CHAIRMAN. We must require you to give the names.

Mr. HOWARD. Certainly.

The WITNESS. I would rather not.

By Mr. HOWARD:

Q. In saying that do you refer to the present Secretary of State?—A. Yes, sir; I do.

Q. Do you refer to any other persons?—A. Yes, sir; I refer to the Executive Mansion.

Q. That is not a person. State to whom you refer.

The WITNESS. I do not wish to go further, for it would put me in an unpleasant position.

Mr. HOWARD. You are a witness, sir, and must testify. To whom else do you refer?—A. I made two different attempts to give General Babcock and President Grant the full details. The first morning I went there I had an interview with the President, and commenced to tell him the story. He told me that he had not time then to hear me, and I do not think he had. He was very much occupied. There were special orders not to allow any one in that morning. He told me to come again. I went the next morning, and I had a memorandum of everything in connection with San Domingo, in relation to the voting, and in relation to certain acts of our navy—Captain Bunce's act at Porto Plata, and Admiral Poor's offer to send men ashore to protect Baez against the citizens, &c. I wanted the President to understand the whole matter. I did not think the President liked to hear these things, and he got up and told me he had to go out to dinner, and he went out of the room. I took my hat and came out. As I came out, I told General Dent that I thought the President was deceived in this matter; that he had been deceived by parties; that his name was being made a tool of, and I wanted to have an opportunity of telling him the whole truth in relation to the thing; that I also had been deceived, and had written some misrepresentations, and that I came to Washington to make a clean breast of the whole thing. General Dent told me that I ought to insist on seeing the President and telling him the whole thing. Then I said to General Dent that I thought the only way to do was to write a full report to the State Department, which he approved of, and he told me also that he thought the President had been deceived a great deal in this matter. I think myself he has been. I came to the President with the highest recommendations from General Burnside, General Sheridan, Senator Anthony, and many of the President's best friends, and I do not wish to make any trouble; but all this comes from my simply stating what I knew in relation to San Domingo.

By Mr. HOWARD.

Q. You produced here this morning on your examination a letter in French, written by a Frenchman, on the island of San Domingo. Where were you when you received that letter?—A. I received it when I was in San Domingo City.

Q. Do you remember the date of the letter?—A. April 12, 1870.

Q. Was or was not that letter the foundation of some portion at least of the contents of your letter to the Secretary of State, of the 7th of June?—A. That letter never occurred to me while I was writing that communication to the Secretary.

Q. Have you not relied upon that letter in some considerable degree as the foundation of statements that you have made or opinions that you have formed in your own mind?—A. I have not. I never saw that man but once. The contents of his letter have not influenced me at all.

By the CHAIRMAN:

Q. Do you put no reliance on it?—A. I do not put much reliance on it.

By Mr. HOWARD:

Q. You do not look on that letter as the source or support of the conclusions which you have formed in your own mind as to the conduct of American officials in San Domingo?—A. In connection with others, reports of naval officers. I have been told by naval officers the same thing.

Q. Then you do place reliance on it?—A. I place some reliance on the facts from the indorsement of the letter by naval officers.

Q. But taking that piece of evidence in and of itself, do you place reliance on it?—A. Yes; I think the man who wrote it is reliable.

Q. Though you do not know him personally?—A. I know he is a merchant there. I am not acquainted with him intimately.

By Mr. SCHURZ :

Q. Was that part of the information which led you to say or to believe that Mr. Fabens was receiving consignments of lumber without paying duty, to the detriment of other merchants in Samana?—A. Yes, sir; I have been so informed by naval officers who were there at Samana and San Domingo city.

Mr. WARNER. Mr. Chairman, I have here, in accordance with the request I made this morning to the War Department, an official statement of what is called in the army the military history of Major Perry, signed by General E. D. Townsend, Adjutant General of the army, which I should like to have put in evidence, to form part of the record in this case.

R. H. PERRY. I should like to be examined on it if that is to go in.

Mr. WARNER. I propose to read the military history of Mr. Perry. This is a record made up by the Adjutant General of the army of his entire military history, as I suppose, from the time he entered the service until he left it. This history refers to the proceedings of a general court-martial by which Mr. Perry was tried. I have here the proceedings in full. I suppose it is hardly necessary to read them. I will read this military history first :

WAR DEPARTMENT,
Adjutant General's Office, June 15, 1870.

Case of Raymond H. Perry, late first lieutenant Battery "B," Rhode Island artillery, late major Third Rhode Island cavalry.

Record in Battery "B," First Rhode Island Artillery.

Mustered in as first lieutenant Battery "B," Rhode Island light artillery, August 13, 1861, for three years. Present, on all rolls from muster-in to August 31, 1862. "In arrest," so reported on return for September, 1862. Resigned on October 9, 1862, giving as a reason his "wish to enter another branch of the service;" approved by intermediate commanders, and accepted and he honorably discharged by Special Orders No. 278, paragraph 1, dated October 11, 1862, from headquarters Army of the Potomac. This order was revoked by Special Orders No. 280, paragraph 13, dated October 13, 1862, from headquarters Army of the Potomac.

On the 14th October, 1862, Captain I. A. Tompkins, First Rhode Island artillery, commanding artillery second division, second corps, wrote to the headquarters Army of the Potomac, relative to Lieutenant Perry's application for the revocation of the order discharging him upon tender of resignation, stating "that it is for the interest of the service that Lieutenant Perry cease to be an officer of Battery 'B' First Rhode Island light artillery."

This was forwarded on same date, indorsed by Captain C. H. Morgan, Fourth United States Artillery, commanding artillery second corps, as follows: "From the information I have of this officer, I think that the interest of the service demands that he should not be allowed the privilege (even if he has the right) of recalling his resignation. If he should be allowed the privilege, there is no doubt but that he would be driven by the sentence of a general court, under the 45th"—(Any commissioned officer who shall be found drunk on his guard, party, or other duty shall be cashiered.—45th Article of War.)—"and other articles of war from the service." Upon this paper an order was issued, (Special Orders No. 281, paragraph 6, dated October 14, 1862, from headquarters Army of the Potomac,) recalling the order revoking a discharge, and allowing his discharge to stand as of date of the order accepting his resignation, (October 11, 1862.)

Record in Third Rhode Island cavalry.

Mustered in as captain Third Rhode Island cavalry, at New Orleans, Louisiana, January 28, 1864, to take effect October 22, 1863. Present, on roll for January and February, 1864. Detached, on roll for March and April, 1864. Reported, captain absent. Detached at brigade headquarters, as aide-de-camp. On roll for May and June, 1864, reported captain detached at brigade headquarters, as inspector general. On roll for July and August, 1864, detached by Special Orders No. 179, headquarters Department of the Gulf.

Mustered in as major, October 1, 1864. On roll for September and October, 1864, reported: Major detached as superintendent of recruiting in New Orleans. On roll for November and December, 1864, reported: Major in arrest, pending trial by general court-martial, and so reported on rolls from January to June, 1865, inclusive. On roll for July and August, 1865, reported: Absent without leave." The regimental return for August, 1865, reports him, "Ordered to regiment, August 22, 1865; not yet reported."

On October 23, 1865, he tendered his resignation, to enable him to enter business. Approved by colonel of regiment. Disapproved by department commander, and he honorably discharged, by Special Orders No. 88, paragraph 2, dated October 25, 1865, from headquarters military division of the Gulf.

With reference to his trial by general court-martial, in January, 1865, by Special Orders No. 302, paragraph 4, dated December 9, 1864, from headquarters Defenses of New Orleans, the provost marshal of the parish of Orleans was directed to "immediately arrest and place in close confinement Major Raymond H. Perry, Third Rhode Island cavalry, pending trial by general court-martial." On December 20, 1864, an order was issued convening a general court-martial for his trial. The court met at New Orleans, Louisiana, January 6, 1865; adjourned until the next day, when he was brought to trial upon the following charges and specifications:

CHARGE 1. Selling and disposing of government property furnished for the military service of the United States, wrongfully and knowingly, in violation of an act of Congress approved March 2, 1862.

Specification 1. (In substance) that Major Perry received from Captain Herman Borries, Second Illinois light artillery, a horse, and, although knowing it to be government property, did, on or about November 29, 1862, at New Orleans, Louisiana, wrongfully and knowingly sell and dispose of the same to W. N. Rogers, a citizen, for \$150.

Specification 2. (In substance) that Major Perry received from Captain Borries six mules, and, although knowing them to be government property, did, on or about November 20, 1864, at New Orleans, Louisiana, wrongfully and knowingly sell and dispose of said mules.

Specification 3. (In substance) that Major Perry received from Lieutenant Henderson, acting post quartermaster for the recruiting depot under command of Major Perry, a mule, and, although knowing it to be government property, did, on or about November 20, 1864, wrongfully and knowingly sell and dispose of said mule.

CHARGE 2. Entering into a combination to defraud the government of the United States, by assisting to obtain the allowance of a fraudulent claim, in violation of an act of Congress approved March 2, 1862.

Specification. In substance same as first specification, charge 1, alleging in addition that he caused the said W. N. Rogers to offer said horse for sale to the government of the United States, and that it was sold to the government for \$165.

CHARGE 3. Combining and assisting to defraud the government, to the prejudice of good order and military discipline.

Specification. (In substance) that Major Perry combined with Captain Borries and one Staples, and others unknown, to defraud the government by assisting to sell and dispose of, for their mutual benefit, certain horses and mules, (eighteen mules and one horse,) the property of the United States, and in pursuance of this combination he did sell one horse and assist in disposing of six mules, at New Orleans, Louisiana, on or about November 20 and 30, 1864.

The trial commenced January 7, 1865, and concluded January 24, 1865. He was found:

Of 1st specification, 1st charge—"Guilty."

Of 2d specification, 1st charge—"Guilty," except the words "sell and."

Of 3d specification, 1st charge—"Guilty," except the words "sell and."

Of the 1st charge—"Guilty."

Of specification, 2d charge—"Guilty."

Of 2d charge—"Guilty."

Of specification, 3d charge—"Guilty," except so much of the specification as charges an intention on the part of the accused to wrongfully sell and dispose of the twelve mules received by him November 30, 1864.

Of 3d charge—"Guilty."

And was sentenced "to be dishonorably dismissed the service of the United States, and to forfeit to the government all pay and allowances now due him or to become due."

The proceedings, &c., were approved February 9, 1865, by the officer convening the court, (General T. W. Sherman.)

On February 24, 1865, Major Perry wrote to the headquarters Department of the Gulf, reporting some circumstances not produced during his trial, and upon this letter an order was issued (Special Orders No. 53, paragraph 4, February 25, 1865, headquarters Department of the Gulf) releasing him from arrest and ordering him to report to Brigadier General Lucas for active duty, with instructions to report in writing every ten days to department headquarters and to the commanding officer of his regiment.

On July 16, 1865, the proceedings, findings, and sentence in his case were approved by Major General E. R. S. Canby, commanding Department of the Gulf, and to said approval was added the usual clause, "Major Raymond H. Perry, 3d Rhode Island cavalry, ceases to be an officer in the service of the United States from this date."

By an oversight at department headquarters, this approval was never promulgated, and so Major Perry continued in service until discharged, October 25, 1865, as above stated.

E. D. TOWNSEND,

Adjutant General.

Mr. SCHURZ. I wish to ask Mr. Perry if he has anything to say with regard to this.

Mr. PERRY. Yes, sir; a great deal to say.

Mr. PERRY. Before going into that I wish you would produce the documents to which you have alluded from General Sheridan, General Burnside, and others.

Mr. WARNER. I suppose I had better finish the statement I was presenting.

Mr. PERRY. Certainly, if you have more to present.

Mr. WARNER. The letter of Mr. Perry's, to which allusion is made in the abstract of the Adjutant General, is here, and, of course, if Mr. Perry desires that letter to be presented, it will go upon the record.

Mr. PERRY. If it is contemporaneous, occurring at the time, I think it should go in.

R. H. PERRY. I would like to have it read.

Mr. WARNER. It is:

NEW ORLEANS, February 24, 1865.

COLONEL: I have the honor to report some circumstances and evidence not produced during my trial, because only learned since my release from close confinement.

The sorrel horse, which was turned over to Captain Borries by me, was a government horse, for which I had receipted to Captain Chittenden, acting quartermaster. Captain Borries had frequently urged me to let him have this horse, and I finally turned it over to him, taking Captain B——'s receipt for him. This receipt was informal, but Captain B. promised to give me regular and formal receipts so soon as he could obtain the necessary blanks. A few days after this, Captain Borries presented me with a roan horse which, he assured me, was his own private property, stating that he had brought him from Missouri. I sold this horse, as I have never endeavored to conceal, and I informed the provost marshal of the fact before my arrest. I fully believe that this horse had belonged to Captain B., and that I was doing no wrong in accepting him. I never made the transfer of the sorrel horse, usual in such cases, because I was waiting for the regular receipts.

About the same time a Mr. Staples, who is now in New York, bought six mules of Captain Borries, for which he paid \$700, and sold the same to a Mr. Rogers, proprietor of the Fashion stable, in this city, for \$1,000. Mr. Rogers holds Mr. Staples's receipt for that amount, and will produce it whenever called upon, and will give any information regarding the transaction of which he is possessed. Captain B. represented these mules as being his own property, and, I have learned, did offer them for sale in several public places, once to a Mr. Philip Doph. Mr. Staples informed me that Captain B. had represented to him that he had six mules, his private property, and that he had reported them as such at headquarters, and that he would sell them. I advised Mr. Staples to have nothing to do with them; but he, contrary to my advice, bought these mules unbeknown to me. In my defense I produced two witnesses who testified that they had heard Borries and Staples agree to say nothing to me about it. These witnesses were Tracey and a colored man. I wrote to Captain Borries to send me two teams to draw sawdust. He sent me twelve mules, two wagons, harness, &c. These mules I was accused of disposing of. As I hold proper and formal receipts for these wagons, mules, &c., this charge falls to the ground. On the morning I received these mules, &c., a detective called upon me and asked me several questions about stock, (mules and horses.) I told him all I knew about the circumstances, and offered to go to the provost marshal and explain the whole matter; he refused to accompany me. I called immediately upon Colonel Robinson, provost marshal general; he told me he knew nothing of the case, and referred me to Captain Cheek, who told me that the whole matter had been misrepresented, and he was very sorry that I had been put to any trouble. Captain Borries had disposed of other property on several occasions, but I was not aware of it when I received the roan horse, and only learned of his bad conduct since my arrest. The reason I did not return the mules, &c., to Captain B. was that, after this visit from the detective, I feared some trouble was rising, and kept them that I might transfer them to some proper person.

I have stated, to the best of my ability, the circumstances connected with my arrest, and I hope that I may be allowed to enter upon the coming campaign, feeling confident that any impression of indiscretion, or lack of judgment on my part, will be done away with, and I can prove myself worthy of my name, which has always stood bright among the defenders of our country.*

I have the honor to be, your obedient servant,

RAYMOND H. PERRY,
Major Third Rhode Island Cavalry.

GEORGE B. DRAKE,
Colonel and Adjutant General, Department of the Gulf.

Here is his discharge:

[Special Orders No. 88—Extract.]

[HEADQUARTERS MILITARY DIVISION OF THE GULF,
New Orleans, La., October 25, 1865.]

* * * * *

2. Major Raymond H. Perry, 3d Rhode Island cavalry, having tendered his resignation,

is, upon the recommendation of his superior officers, hereby honorably discharged the service of the United States. He will receive no final payment until he shall have satisfied the Pay Department of his non-indebtedness to the government.

By command of Major General P. H. Sheridan :

GEORGE LEE,
Assistant Adjutant General.

Official :

T. H. C. MOORE,
Assistant Adjutant General.

I present the following papers in this connection :

[Special Orders No. 302.—Extract.]

HEADQUARTERS DEFENSES OF NEW ORLEANS,
New Orleans, December 9, 1864.

4. * * Pursuant to instructions from department headquarters, the provost marshal, parish of New Orleans, will immediately arrest and place in close confinement Major Raymond H. Perry, Third Rhode Island cavalry, * * * and hold them pending trial by general court-martial.

By command of Brigadier General Sherman :

FREDERIC SPEED,
Assistant Adjutant General.

[Special Orders No. 36.—Extract.]

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, August 22, 1865.

3. * * Major R. H. Perry, Third Rhode Island cavalry, is hereby relieved from his present duties, and will rejoin his regiment without delay.

By order of Major General E. R. S. Canby :

WICKHAM HOFFMAN,
Assistant Adjutant General.

Official :

NATHANIEL BURBANK,
First Lieutenant, Acting Assistant Adjutant General.

[Special Orders No. 77.—Extract.]

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, Louisiana, October 3, 1865.

1. Leave of absence for twenty (20) days, based on surgeon's certificate of disability, with permission to go beyond the limits of this department, is hereby granted to Major Raymond H. Perry, Third Rhode Island cavalry.

By order of Major General E. R. S. Canby :

WICKHAM HOFFMAN,
Assistant Adjutant General.

Official :

NATHANIEL BURBANK,
First Lieutenant, Acting Assistant Adjutant General.

[Special Orders No. 53.—Extract.]

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, February 25, 1865.

4. * * The proceedings of the court-martial in the case of Major R. H. Perry, Third Rhode Island cavalry, are held under advisement.

Major Perry is released from arrest, and on the request of Brigadier General Lucas, is ordered to report to him for active duty.

He will report every ten days in writing to this office, and to the commanding officer of his regiment,

By command of Major General Hurlbut :

J. C. STONE,
Captain and Assistant Adjutant General.

DEPOT GENERAL RECRUITING SERVICE,
DEPARTMENT OF THE GULF,
New Orleans, La., December 12, 1864.

CAPTAIN: I have the honor to request instructions regarding the disposition to be made of two six-mule teams, with wagons, now in this department, and for which the post quartermaster is not accountable.

As far as I can understand they were borrowed for the purpose of hauling sawdust by Major R. H. Perry, then in command, some seven or eight days ago. Major Perry has since been arrested, and I have not been able to gain any information from him. No claim has been made by any party, and as I believe them to be government property I would suggest that they be turned in to the post quartermaster, to be held until it can be ascertained to what command they belong.

I remain, very respectfully, your obedient servant,

A. J. BABY,
First Lieut. First Louisiana Cavalry, Com'g Depot.

Captain SHELDON STURGEON,
Supt. Vol. Recruiting Service, Department of the Gulf.

[Indorsements.]

GENERAL DEPOT RECRUITING SERVICE,
New Orleans, December 12, 1864.

A. J. Baby, first lieutenant commanding depot, requests information concerning certain government property not accounted for by the acting assistant post quartermaster.

SUPERINTENDENT'S OFFICE, VOLUNTEER RECRUITING SERVICE,
December 14, 1864.

Respectfully returned to Lieutenant A. J. Baby, commanding.

These animals, with the wagons, will be turned in to the quartermaster's department, subject to the order of regiment or battery to which they belong; efforts have been made but without success to communicate with Major Perry regarding the command from which they were borrowed.

SHELDON STURGEON,
Captain First Infantry U. S. A., Superintendent Recruiting Service.

DEPOT GENERAL RECRUITING SERVICE,
December 14, 1864.

Respectfully referred to acting post quartermaster with reference to Captain Sturgeon's indorsement.

A. J. BABY,
First Lieutenant First Louisiana Cavalry, Commanding Post.

QUARTERMASTER'S OFFICE VOLUNTEER RECRUITING SERVICE,
January 16, 1865.

Respectfully returned to Lieutenant A. J. Baby, with the information that the within-mentioned mules and wagons have been turned into Captain Chittenden, acting quartermaster, and the proper receipts taken.

C. H. ROBERTS,
*First Lieut. Ninety-second U. S. C. I. and A. A. Q. M. Vol. Rec'g Service,
Department of the Gulf.*

True copy of the original indorsements :

SHELDON STURGEON,
Colonel and Superintendent Volunteer Recruiting Service.

Received at New Orleans, Louisiana, on the 12th of December, 1865, of Lieutenant C. H. Roberts, acting assistant quartermaster, the following quartermaster's stores:

Twelve mules, serviceable.
Two wagons, serviceable.
Four sets wheel harness, serviceable.
Eight sets lead harness, serviceable.

C. B. CHITTENDEN,

Captain, Assistant Quartermaster Volunteers.

I certify that the above is a true copy of the original.

M. E. IMBERT,

*Second Lieutenant Seventy-third U. S. Colored Infantry,
Detached in Quartermaster's Department, Recruiting Service Department of the Gulf.*

NEW ORLEANS, February 24, 1865.

COLONEL: I have the honor to report, by your request, Mr. Staples's full name, which is as follows: Ernest Staples, 33 Bond street, New York City. I also take the liberty of referring you to persons in this city who know him and his family well: Bradis Johnson, at the St. Charles Hotel; W. M. Abbott, 103 Poydras street; and D. A. Dwight & Co., 171 Gravier street.

I have the honor to be, your obedient servant,

RAYMOND H. PERRY,

Major Third Rhode Island Cavalry.

GEORGE B. DRAKE,

Lieutenant Colonel and Assistant Adjutant General Department of the Gulf.

NEW ORLEANS, February 24, 1865.

COLONEL: On or about the sixth of December I purchased from Mr. Ernest Staples six mules for the sum of one thousand dollars, for which amount I hold his receipt, which mules he brought to my stable. They had no brands on them of any kind. There were five brown and one sorrel; the sorrel one having a crooked leg, with no other particular marks, which I sold to different parties in about two or three weeks after.

I remain, very respectfully, your obedient servant,

W. N. ROGERS.

Colonel GEORGE B. DRAKE,

Assistant Adjutant General Department of the Gulf.

NEW ORLEANS, October 23, 1865.

Major WICKHAM HOFFMAN,

Assistant Adjutant General Department of Louisiana:

I have the honor to tender my resignation as Major Third Rhode Island cavalry. Having been in the service since the commencement of the war, and now having an excellent opportunity to enter business, I most respectfully request my resignation be accepted, as delay would affect my plans for the future.

I have the honor to be, very respectfully, your obedient servant,

RAYMOND H. PERRY,

Major Third Rhode Island Cavalry.

[Indorsements.]

NEW ORLEANS, LA., October 23, 1865.

R. H. Perry, Third Rhode Island cavalry, respectfully tenders his resignation, for the reason that he has an excellent opportunity to go into business, and that a delay would injure his prospects.

NEW ORLEANS, LA., October 23, 1865.

Approved and respectfully forwarded.

WILLIAM SAYLES,

Colonel Third Rhode Island Cavalry.

HEADQUARTERS DEPARTMENT OF LOUISIANA,
New Orleans, October 23, 1865.

Respectfully forwarded to headquarters Division of the Gulf.

Disapproved:

ED. R. S. CANBY,
Major General Commanding.

HEADQUARTERS MILITARY DIVISION OF THE GULF,
New Orleans, La., October 26, 1865.

Special Order No. 88, extract 2, date October 25, 1865. Respectfully forwarded to the Adjutant General of the army.

Accepted:

P. H. SHERIDAN,
Major General Commanding.

HEADQUARTERS ARTILLERY, SECOND DIVISION, SECOND CORPS,
Bolivar, October 14, 1862.

GENERAL: Hearing that a request for the revocation of the order accepting the resignation of First Lieutenant R. H. Perry, Battery B, First Rhode Island light artillery, is to be made to you, I would respectfully represent that it is for the interest of the service that Lieutenant Perry ceases to be an officer of Battery B, First Rhode Island light artillery, and would request that the order accepting his resignation may not be revoked.

I have the honor to remain, general, very respectfully, your obedient servant,

J. A. TOMPKINS,

Captain First R. I. Light Artillery, Commanding Artillery of Division.

Brigadier General S. WILLIAMS,
Assistant Adjutant General, Army of Potomac.

[Indorsements.]

HEADQUARTERS SECOND DIVISION, SECOND ARMY CORPS,
Harper's Ferry, October 14, 1862.

J. A. Tompkins, Captain First Rhode Island artillery, represents that it would be for the interest of service for the resignation of Lieutenant R. H. Perry, First Rhode Island artillery, not to be recalled.

OFFICE OF THE CHIEF OF ARTILLERY, SECOND ARMY CORPS,
Harper's Ferry, October 14, 1862.

From the information I have of this officer, I think the interest of the service demands that he should not be allowed the privilege [even if he has the right] of recalling his resignation. If he should be allowed the privilege, there is no doubt but that he would be driven, by the sentence of a general court, under the forty-fifth and other articles of war, from the service.

C. H. MORGAN,

Captain Fourth Artillery, Commanding Artillery Second Corps

HEADQUARTERS BATTERY B, RHODE ISLAND LIGHT ARTILLERY,
Bolivar Heights, October 9, 1862.

CAPTAIN: I have the honor to tender my resignation as first lieutenant of Battery B, Rhode Island light artillery. I wish to enter another branch of the service.
Respectfully referred.

RAYMOND H. PERRY,

First Lieutenant Battery B, Rhode Island Light Artillery

JOHN G. HAZARD,

Captain Commanding Battery B, Rhode Island Light Artillery.

[Indorsements.]

HEADQUARTERS BATTERY B, FIRST RHODE ISLAND LIGHT ARTILLERY,
Bolivar, Va., October 9, 1862.

Approved and respectfully referred to Captain J. A. Tompkins, commanding artillery of division, Second Corps de Armée.

JNO. G. HAZARD,
Captain First Rhode Island Light Artillery.

HEADQUARTERS ARTILLERY, SECOND DIVISION, SECOND CORPS,
Bolivar, Va., October 10, 1862.

Approved and respectfully referred to Brigadier General O. O. Howard, commanding
 Second Division, Second Corps de Armée.

J. A. TOMPKINS,
Capt. 1st R. I. L. A., Commanding Artillery of Division.

HEADQUARTERS SECOND DIVISION, SECOND CORPS,
October 10, 1862.

Respectfully forwarded and recommended.

O. O. HOWARD,
Brigadier General Commanding Division.

HEADQUARTERS SECOND CORPS,
October 10, 1862.

Respectfully forwarded and approved.

D. N. COUCH,
Major General.

[Special Orders No. 278.—Extract.]

HEADQUARTERS ARMY OF THE POTOMAC,
Camp near Knoxville, Md., October 11, 1862.

1. The following named officers, having tendered their resignations, are honorably discharged from the military service of the United States:

* * * * *
 First Lieutenant R. H. Perry, Battery B, Rhode Island artillery.

* * * * *
 By command of Major General McClellan:

S. WILLIAMS,
Assistant Adjutant General.

[Special Orders No. 280.—Extract.]

HEADQUARTERS ARMY OF THE POTOMAC,
Camp near Knoxville, Maryland, October 13, 1862.

* * * * *
 13. * * * So much of paragraph 1, Special Orders No. 278, of October 11, 1862, as accepts the resignation of First Lieutenant R. H. Perry, Battery B, Rhode Island artillery, is hereby revoked.

* * * * *
 By command of Major General McClellan:

S. WILLIAMS,
Assistant Adjutant General.

[Special Orders No. 281.—Extract.]

HEADQUARTERS ARMY OF THE POTOMAC,
Camp near Knoxville, Md., October 14, 1862.

* * * * *
 6. * * * So much of Special Orders No. 280, of yesterday's date, as revokes the order accepting the resignation of First Lieutenant R. H. Perry, First Rhode Island artillery, is recalled. Lieutenant Perry will accordingly be considered as honorably discharged from the military service of the United States from the date of the order accepting his resignation.

* * * * *
 By command of Major General McClellan:

S. WILLIAMS,
Assistant Adjutant General.

I think, on reflection, it would perhaps be better to put in the whole record of the proceedings of the court-martial that tried Major Perry at New Orleans. Perhaps that ought to be done, in justice.

The record was received, and is as follows:

Proceedings of a general court-martial which convened at New Orleans, Louisiana, by virtue of Special Orders, of which the following are copies :

[Special Orders No. 311.]

HEADQUARTERS DEFENSES NEW ORLEANS,
New Orleans, December 20, 1864.

[Extract.]

1. A general court-martial is hereby appointed to meet in this city, on Thursday, December 22, 1864, at 9 o'clock a. m., or as soon thereafter as practicable, for the trial of Major Raymond H. Perry, Third Rhode Island cavalry, and such other prisoners as may be properly brought before it.

Detail for the court: 1. Colonel W. C. Holbrook, Seventh Vermont veteran volunteers. 2. Lieutenant Colonel J. A. Burdett, Seventy-seventh Illinois volunteers. 3. Major Jesse S. Miller, Eleventh Wisconsin volunteers. 4. Major C. C. Pike, Seventy-fourth United States colored infantry. 5. Major Theodore Ketchum, Ninety-third United States colored infantry. 6. Captain Salmon Dutton, Seventh Vermont veteran volunteers. 7. Captain Chambers Cox, First Indiana heavy artillery. Captain O. F. Avery, Thirty-eighth Iowa volunteers, judge advocate.

No other officers than those named can be assembled without manifest injury to the service.

By command of Brigadier General Sherman :

FREDERIC SPEED,
Assistant Adjutant General.

NEW ORLEANS, LA., January 6, 1865.

The court then, at 3 o'clock p. m., adjourned to meet at 10 o'clock a. m. to-morrow, the 7th instant.

NEW ORLEANS, LA., January 7, 1865—10 o'clock a. m.

The court met pursuant to adjournment and above orders. Present: Colonel W. C. Holbrook, Seventh Vermont veteran volunteers; Major Jesse S. Miller, Eleventh Wisconsin volunteers; Major C. C. Pike, Seventy-fourth United States colored infantry; Major Theodore Ketchum, Ninety-third United States colored infantry; Captain Salmon Dutton, Seventh Vermont veteran volunteers; Captain Chambers Cox, First Indiana heavy artillery; Captain O. F. Avery, Thirty-eighth Iowa volunteers, judge advocate. Absent: Lieutenant Colonel J. A. Burdett, Seventy-seventh Illinois volunteers, he having been honorably discharged the service of the United States.

The court then proceeded to the trial of Major Raymond H. Perry, Third Rhode Island cavalry, who was called before the court, and having heard the order appointing the court read, was asked if he had any objection to any of the members named therein; to which he replied in the negative.

The accused having no objection to any of the members, the court was then, in presence of the accused, duly sworn by the judge advocate, and the judge advocate was duly sworn by the president of the court.

The accused applied to the court to be permitted to introduce W. W. Howe, esq., as his counsel, which application was granted, and he appeared as counsel for the accused.

The accused, Major Raymond H. Perry, Third Rhode Island cavalry, was then arraigned on the following

CHARGES AND SPECIFICATIONS.

CHARGE I.—Selling and disposing of government property furnished for the military service of the United States, wrongfully and knowingly, in violation of an act of Congress approved March 2, 1862.

Specification 1.—In this: That he, Major Raymond H. Perry, Third Rhode Island cavalry, having received from Captain Herman Borries, Second Illinois light artillery, a certain horse, the property of the United States, which had been in the possession of the said Captain Borries, for the use and proper equipment of the company of light artillery under his command; and he, said Major Raymond H. Perry, well knowing said horse to be government property, and was to be used in, and had been furnished for, the military service of the United States, did wrongfully and knowingly sell and dispose of the same to one W. N. Rogers, a citizen, for the sum of one hundred and fifty dollars. All this on or about the 29th day of November, 1864, at New Orleans, Louisiana.

Specification 2.—In this: That he, Major Raymond H. Perry, Third Rhode Island cavalry, having received from Captain Herman Borries, Second Illinois light artillery, six mules, the property of the United States, which had been in the possession of the said Captain Borries, for the use and proper equipment of the company of light artillery under his command, and he, said Major Raymond H. Perry, well knowing that said mules were government property, and had been used in, and were furnished for, the military service of the United States, did wrongfully and knowingly sell and dispose of said mules. All this on or about the 20th day of November, 1864, at New Orleans, Louisiana.

Specification 3.—In this: That he, Major Raymond H. Perry, Third Rhode Island cavalry, having received from Lieutenant Henderson, acting post quartermaster for the recruiting depot under command of said Major Perry, a certain mule, the property of the United States, and well knowing said mule to be the property of the United States, and that it had been furnished for, and was to be used in, the military service of the United States, did wrongfully and knowingly sell and dispose of said mule to some person whose name is unknown. All this at New Orleans, Louisiana, on or about the 20th day of November, 1864.

CHARGE II.—Entering into a combination to defraud the government of the United States, by assisting to obtain the allowance of a fraudulent claim, in violation of an act of Congress approved March 2, 1862.

Specification.—In this: That he, Major Raymond H. Perry, Third Rhode Island cavalry, did combine with Captain Herman Borries to defraud the government of the United States, in order to obtain the allowance of a fraudulent claim, and did, in furtherance of said combination, receive from Captain Herman Borries a certain horse, the property of the United States, and though well knowing said horse to be the property of the United States, did deliver said horse to one W. N. Rogers, a citizen, and did cause the said W. N. Rogers to offer said horse for sale to the government of the United States; and said horse, at the instigation and with the full knowledge and consent of said Raymond H. Perry, was sold to the government of the United States, and the sum of one hundred and sixty-five dollars was allowed for the same to said Rogers, which said claim against the government of the United States, so arising and allowed as aforesaid, was fraudulent in this, that the said horse, at the time it was sold to the government as aforesaid by the said Rogers, was already the property of the United States, and the said Major Perry assisted, in the manner above set forth, in obtaining the allowance of said fraudulent claim of one hundred and sixty-five dollars, and did receive from said Rogers the sum of one hundred dollars, and agree to receive the further sum of fifty dollars as a portion of the proceeds of said fraudulent claim. All this on or about the 20th day of November, 1864, at New Orleans, Louisiana.

CHARGE III.—Combining and assisting to defraud the government, to the prejudice of good order and military discipline.

Specification.—In this: That he, Major Raymond H. Perry, Third Rhode Island cavalry, did combine with Captain Herman Borries, Second Illinois light artillery, one Staples, and others unknown, to defraud the government of the United States, by assisting to sell and dispose of, for their mutual benefit, certain horses and mules, the property of the United States, for which said Captain Herman Borries was responsible, and which were then in his possession; and in furtherance of said combination, did receive of said Captain Borries, on the 20th day of November, 1864, six of said government mules, and on the 25th day of November, 1864, one of said government horses, and on the 30th day of November, 1864, twelve other of said government mules. And he, said Raymond H. Perry, well knowing said horse and mules to be government property, and that they had been used in, and were furnished for, the military service of the United States, did receive the same for the purpose of selling and disposing of the same for the mutual benefit of himself and the parties to said combination, and did sell and dispose of said horse and assist in disposing of said six mules, the property of the United States as aforesaid, for the mutual benefit of himself and the parties to said combination.

All this on or about and between the 20th and 30th days of November, 1864, at New Orleans, Louisiana.

To which charges and specifications the accused pleaded as follows:

To 1st specification, 1st charge—"Not guilty."

To 2d specification, 1st charge—"Not guilty."

To 3d specification, 1st charge—"Not guilty."

To 1st charge—"Not guilty."

To specification, 2d charge—"Not guilty."

To 2d charge—"Not guilty."

To specification, 3d charge—"Not guilty."

To 3d charge—"Not guilty."

W. N. ROGERS, a citizen, witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, age, place of residence, and present occupation.—Answer. W. N. Rogers; I am fifty-six years of age; I keep a livery stable; I live at 335 Common street, this city; my stable is at 232 Gravier street.

Q. Do you know the accused; if so, how long have you known him?—A. I know the accused; I think it was in July last that I first recollect of seeing him.

Q. Have you ever purchased any horses of the accused? If so, state when and where it was, and all the conversation with the accused, and circumstances attending the sale.—A. Well, I do not know exactly whether I purchased a horse of him or not; I paid him for a horse which I turned into government for him; I disremember the date exactly, but it was some six weeks ago; if I mistake not, it was in November I saw the accused riding a horse. I observed to him: "You are finely mounted this morning." He replied: "Yes; I would like to sell you this horse." I then told him that I could not buy the horse; that it was too high a priced horse, probably; that I could only buy horses to turn into government. He replied that that was too fine a horse for that; that it would make a fine carriage horse. A few days after this I saw him again, and he asked me what I could give him for the horse. I told him I could not say what; however, I observed to him that I could not give over one hundred and fifty dollars. He then said he thought he would have to let me have him. I then told him that if the government took him I would give him one hundred and fifty for him. He asked me then when they were going to inspect, and I told him to-morrow, and that if he would bring him down at nine o'clock to-morrow I would show the horse. On the following morning he brought him down; he fetched him into the stables; he then asked me if I had any money; I said yes; he said he had a doctor's bill to pay that day, and would like to pay it; I asked him how much; he said seventy-five dollars; I handed him a hundred dollar bill; I took the horse and showed him to the government, and they took him and branded him; they allowed me one hundred and sixty-five dollars for him—the inspector did; Major Tracy was chief man at the inspection; I got my voucher of Captain Chittenden; I saw no more of the accused, but about two days after I was called up to make an affidavit before the judge advocate in regard to it; the next day after this I saw the accused, and told him what had happened; I also told him that I heard evidence there about some mules, &c. As I told him this, he told me I would have no difficulty in regard to the matter, or anything that I had got of him; that he did business right; that the mules were up in the yard yet. I think the next time I saw him he came to the stable, and I handed him his fifty dollars that I owed him, the balance on the horse; I had paid him a hundred, and that morning I paid him the other fifty.

Q. State whether any reason was given by either of you in those conversations why you could only purchase horses to turn into the government; if so, state what the reason was.—

A. I think I mentioned to the accused that I could not purchase horses only to turn into government by reason of an order which had been issued, and that I could only pay such price for horses as would enable me to turn them into government; that I would have to turn in enough and get vouchers to the amount of one thousand dollars, and then there would be six per cent. off; and that I could not afford to pay over \$150, as I could only get \$160 or \$170. I stated that as a reason for not paying him any more. I also stated to the accused that he could turn him in himself. He replied that he did not have enough to turn in to come to \$1,000, and that was the reason why he wanted me to turn him in.

Q. Describe the horse you purchased of the accused.—A. He was a roan horse—a red-dish roan. I think he was about sixteen hands high—perhaps might vary half an inch one way or the other. He was a stout, well put up horse, and about eight or nine years old, and in good condition. I do not think there were any other particular marks about him. I looked particularly for a government brand, and found none on him. He had, perhaps, a short time before, a rope around one of his ankles.

Q. State whether anything was said by the accused as to whose horse it was; how long he had had him, and where he got him; and if so, what?—A. I do not know that anything of this kind was spoken of.

Q. State whether the accused has ever offered to sell you any mules, or said anything to you about having any mules for sale.—A. He never offered to sell me any, or said anything to me about having any for sale. I spoke to him, as I said before, soon after making the affidavit before the judge advocate, about what I had heard there in regard to mules. He replied that the mules were in the yard; he did not say what yard.

By ACCUSED:

Q. To the best of your knowledge, was the horse, when brought to you by Major Perry, a private horse or a government horse?—A. He looked to me like a private horse. If he had been a government horse he ought to have had brands on him, but I could see nothing of the kind on him.

Q. Who inspected this horse on its sale to the government, and was the horse, or not, carefully examined at such inspection?—A. He was examined by Major Tracy, Captain Bentley, and Lieutenant Bates, and was carefully examined. Lieutenant Bates examined him particularly for the "U. S.," but could find none on him. Lieutenant Bates is particularly sharp in looking for these brands.

Q. Please explain to the court why Major Perry could get his money more quickly by selling the horse through you than by selling him directly to the government. Are certificates of indebtedness issued for less than \$1,000 each?—A. He sold him to me because as soon as the horse was turned in I was to pay him the money in cash, and he did not have

horses enough to turn in to get him \$1,000, and certificates of indebtedness are not issued for a less sum than \$1,000. At that time vouchers were not transferable.

Q. Did you ever, in any way, agree with Major Perry to cheat or defraud the government in the matter of this horse?—A. I never did, sir. It was never suggested to me.

Corporal JOHN W. BARNABA, Company A, Second Illinois light artillery, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and, if you know the accused, how long you have known him.—Answer. John W. Barnaba; I am a corporal Company A, Second Illinois light artillery; I have seen the accused frequently; I have known him by sight between two and three months—some three months.

Q. Have you ever seen the accused receiving a horse from Captain Borries, Second Illinois light artillery? If so, state when and where it was, and all you saw of the conduct and heard of the conversation of the parties at the time the horse was delivered to the accused.—A. He took a horse from our yard once—a roan horse—and left another sorrel horse in the place of him, as I understood it. I saw them in the yard together two or three times before the horse was taken away. The captain—Captain Borries—was looking at this roan horse, and called me up and asked me if I thought this roan horse would work in harness. Major Perry was also present at the time, looking at that horse and other horses. I told him I had never tried him; I had never harnessed him. By their conversation I learned that they were talking about changing horses or trading horses. At that time they had reference to the roan horse and the sorrel horse. The captain remarked to the accused that he wanted a good saddle-horse. I think the accused remarked that his horse, the sorrel, was a good saddle-horse—smart—that he had ridden him a good deal. He was thin in flesh. I do not remember whether this sorrel horse was brought there this same day or a day or two before. I know that he was there two or three days before the roan horse was taken away. A day or two after this conversation the accused was in there again with Captain Borries, and took the roan horse and had a colored man put the saddle on him. I got on to the horse and rode him out into the street, so that they could see how he moved. The accused asked the colored man to get on him first, but he acted as though he was afraid, and so I said I would get on him. After I got off, the accused got on the horse and rode him up and down the street some once or twice, and then rode him off, after he and the captain had had some little conversation, I could not tell what about.

Q. Did you see them doing anything with or to the sorrel horse at any of these times?—A. They went and were looking around him, and speaking of him as being a nice, fast horse—fast to run. The accused spoke of him as being fast to run.

Q. State whether you heard anything said by either of the parties, at either of these times, as to the ownership of these horses, or when and how they had been used.—A. I do not think I did, sir, at the time; not to my recollection. I heard him call the sorrel horse his horse, is all. I do not know that I ever heard the captain say anything to the accused as to how the roan horse was used.

Q. State where the government horses of the battery were kept, and where the private horses were kept, and where the roan horse was kept.—A. I did not know that there were any private horses in the battery. There are horses which the officers claim, but I do not know that they own them. The horses claimed by the officers as their own were kept in the sheds and stalls furthest from Religious street, where any horses were kept. The camp fronts on Religious street. The government horses we kept next to Religious street. Two or three horses—the one I rode and one other—were kept in the same row of stalls with the horses claimed by the officers. The row of stalls where the officers' horses were kept was some twenty to twenty-five feet from the stalls where the horses used by the non-commissioned officers were kept. The team horses were kept in the department next to Religious street. This department was divided by a brick wall from that where the officers' horses were kept. This roan horse was kept in the stalls occupied by the horses used by the non-commissioned officers, that is, between the officers' horses and the team horses—in a row of stalls separate from the officers' horses. The sorrel horse was put in the tier of stalls with the officers' horses.

Q. Describe the sorrel horse, and state, if you know, whether it was a government horse or not.—A. The sorrel horse was a nice, small horse, about fifteen hands high and thin in flesh. He had a government brand on him—a "U. S."—is all I know.

Q. Describe the roan horse particularly, and state, if you know, whether he was a government horse or not.—A. The roan horse was a horse about fifteen hands and perhaps two inches high, a well-proportioned horse, well built and in good order. I should think he was about six years old—five or six—high life and ill-disposed, and was used as a government horse in the battery always ever since I have known him. He was a strawberry roan horse. I do not think there were any government brands on him. There was a small "S," but this was a great deal smaller than I ever saw put on stock. This was on the shoulder, near the place where the brands should be, but it is my impression that it was never put on as a government brand. He was used as a government horse. I had known him from the 3d of

April last. He came into the battery while I was away, some time between the 10th of February and the 3d of April.

Q. State whether you have ever seen the accused along with Captain Borries, or without him, about your camp at any other times than those you have mentioned.—A. I have seen him pass frequently backward and forward. I do not think I ever saw him inside the camp without Captain Borries being along. I do not recollect of seeing him there at any other times.

Q. State what you know, if anything, about any mules having been delivered to the accused by Captain Borries.—A. Captain Borries ordered me at one time to have two six-mule teams harnessed and hitched to the wagon, and report them to Major Perry. He told me the accused wanted them to haul saw-dust, and to leave the drivers that day. I took the teams and reported to the accused in person. The accused, when I reported, said, in substance, that it was all right, and told me where to leave them under the shed, and I left the mules with the drivers there with him—the drivers for that day.

Q. State how these mules had been used, and whether they were government mules or not, if you know.—A. They were government mules, or used as such in the siege train of the battery, and were drawn for that purpose. Most of them were branded. This was near the 1st of December last, perhaps a little before.

Q. State whether any other mules have been taken from your battery which have not been returned to it; if so, when, where, and by whom, so far as you know?—A. Before those were taken there was a six-mule team taken from the battery, from our camp. There was no harness or wagon taken with them. The day they were taken, Captain Borries told me he had orders to turn over a six-mule team, was the way he expressed it. While we were talking about turning over these mules, we looked up and saw the accused coming, in a buggy with another man, coming from the quarters of the accused; we were standing near the officers' quarters. I do not know what the man's name was. On seeing these men coming the captain went up to the buggy and asked him if he was ready to take those mules. One or the other of these men in the buggy replied that he would be in about three-quarters of an hour, or an hour, as they were going up Religious street. The captain then told me to go and put up a six-mule team for them; to select them. He told me to give them a good one. I remarked, "I shall not give them the best." The captain replied, "Give them a good team." The conversation was between all three, and I was about fifteen or twenty feet from them.

Q. State how this man with the accused was dressed at the time.—A. He had on gray pants and gray coat—gray suit. He had on a cap of a redish mixed color, not black or gray. He had no military clothes on or about him.

Q. State how the mules went away from the camp.—A. About three-quarters of an hour after the conversation the man who was with the accused came along with two colored men and got the mules; I do not know whether the accused was present or not; I do not recollect of seeing him. These two colored men took the mules, each rode one and led two, and the other man followed along and drove them a little, as they were stubborn to lead. They went up Tchaptoulas street, and the last I saw of him he was on the sidewalk. I do not know that I had ever seen these colored men before.

The court then, at 3 o'clock p. m., adjourned to meet at 10 o'clock a. m. on Monday the 9th instant.

NEW ORLEANS, LOUISIANA, *January 9, 1865*—10 o'clock a. m.

Court met pursuant to adjournment and above orders. Present, the same members as on Saturday, the judge advocate, accused and his counsel.

Examination of J. W. BARNABA, corporal Company A, Second Illinois light artillery, resumed.

By JUDGE ADVOCATE:

Question. State the conversation you had with the man who came after those mules while selecting them out, if any.

(Objected to by accused as irrelevant, the statements of this "man in gray" not being evidence against accused.)

The judge advocate replied that among the charges against the accused is that of combining with Captain Borries, one Staples, and others unknown, for the purpose of defrauding the government. He expects to be able to prove this combination among some or all of these parties—certainly so far as Staples and the accused are concerned—and that this "man in gray" is no other than the man Staples; and if this much is proved, there can be no doubt that the declarations of Staples at that time must bind the accused and are admissible as evidence. If the connection of Staples with accused is not proved, he admits that these declarations of Staples ought to be excluded by the court from their consideration, and he asks that this evidence be received subject to this condition.

The court was then cleared, and after mature deliberation, the doors were opened; the accused and his counsel present. The decision of the court was announced by the judge advocate, that the objection of the accused be overruled, and that the evidence be received subject to the condition stated by the judge advocate.)

Answer. I had no particular conversation with him except objecting to the mules he selected. He wished to pick out all large mules. I objected to that, as being wagon-master of the train, from the fact that it would spoil our wheel teams. I told him I would give him two large mules, two of medium size, and two small mules. He replied that those small mules were not sufficient for coal carts; and I told him it would not do to give all large mules, and spoil three or four other teams. He agreed that that was true, and consented to take the teams I had selected. He said nothing further as to what he wanted of the mules, except that some of them were too small to work in coal carts.

Q. Describe particularly those six mules.—A. One of them was a large, dark-brown mule, about fifteen hands and one inch high, in good order, a little sway-backed, a little tender-footed or stiff in the shoulder, and at least ten years old. The second was a bright sorrel mule, about fifteen hands high, and in tolerable good order, his left fore-leg crooked, crooked in at the knee-joint; about ten years old. The third was a black mule, about fourteen and a half hands high—perhaps not quite so much—rather thin in flesh, and I should think about eight or nine years old. The fourth was a dark, iron-gray mule, about the same height as the last described, tolerable good order, and I should think about five years old. The fifth was a dark-brown mule, thin in flesh, and about thirteen and a half hands high—perhaps a little more—and about seven or eight years old. The sixth was a dark bay mule, thin in flesh, and in other respects about like the last. All these mules had been marked with a "U. S." in June last. I marked them myself, and some of them, I presume, had been marked before I marked them, though I am not positive. I marked them by burning. They were all horse mules.

Q. State in what capacity you were acting in the battery, in November last, and what were your duties?—A. I was company wagon-master, and had charge of the teams of the siege trains.

Q. State whether you had ever, at any other time, seen that "man in gray" with the accused; and if so, where?—A. I saw him at different times—several times—with him in our camp, and passing in the streets. I do not know that I ever saw him but once except he was with him. I think he was there both times the accused was there, seeing about the roan horse.

Q. State, if you know, whether any or all of these eighteen mules were government mules or not, and whether any have ever been returned to your camp.—A. They were all used as government mules, and had been ever since I knew them—from one to two years. They have not been returned to our camp. I have seen none of the first six since, but have seen perhaps all of the twelve. Neither has the roan horse been returned to our camp since. I saw the roan horse once since he was taken away by the accused, up at the quartermaster's corral; at least, they told me it was the quartermaster's; he had a large government brand on him—a "U. S."

By ACCUSED:

Q. Was not Major Perry, at the time, in command at the Alabama Press? How far was that from Captain Borries's stable?—A. I was told that he was in command at the press. There was just one street between the two; Robin street runs between them. The gates of Alabama Press opened on Tchupitoulas, and the gates of our press on Religious street. They were adjoining presses, except the street between.

Q. Were not these twelve mules loaned to Major Perry, to draw saw-dust for his press, so far as you understood?—A. No, sir; they were not. The drivers were to stay that day to haul saw-dust; but he told me at the time that the teams were to be left there, and the accused was going to receipt for them—so Captain Borries informed me.

Q. Did you not know, or understand, that the twelve mules of which you spoke are still at the Alabama Press, or were at the time of the arrest of Major Perry?—A. I think all, or a part of them, were there at the time of his arrest. I saw some of them there afterward, but do not know that I saw all. So far as I know, all were there. If the accused was arrested at the time Captain Borries was, this is true. I do not know whether he was or not. I understood he was.

Q. As to the six mules, do you know whether the man in gray bought them, or whether they were turned over to him on invoice and receipt?—A. I do not know particularly. I do not think, from their conversation, that he bought them, or that any receipts were passed, though I am not positive.

Q. Can you swear positively that Major Perry had anything to do, personally, with the transfer of the six mules to the man in gray?—A. Not more than what Captain Borries told me.

Q. Did you see the sorrel horse brought to Captain Borries's stable; if yes, was it not some four or five days before the conversation which occurred when Major Perry and Captain Borries looked at the roan horse?—A. I am not positive that I saw the sorrel horse brought in. I think the first I saw of the sorrel horse he was in the stall and they were looking at him. This was somewhere from three to five days before.

Q. Can you swear of your own knowledge that this roan horse was a government horse at all? Is it not possible that he was a private horse?—A. I do not know; except that he was

used as a government horse and kept as such. This is as far as my personal knowledge extends.

Q. Can you swear that Major Perry knew him to be a government horse when he received him from Captain Borries?—A. I cannot; I do not know.

Q. Did you see the man in gray after he took away the six mules? If yes, how often and where?—A. I saw him at our quarters—at our camp—after that a good many times. I saw him the next day in the officers' quarters; I could not say how many times—more than once—more than twice.

Q. Did not Captain Borries claim some of the horses in your battery as his own, and some of the mules?—A. I have heard that he did.

By JUDGE ADVOCATE:

Q. State what ones, and how many, and who told you so.—A. I heard it spoken of. I could not tell who told me so, or which ones he claimed. I understood he claimed eleven mules and eight horses; I never heard him say so.

Q. State the directions Captain Borries gave you in regard to the delivery of the six mules. (Objected to on the part of the accused, but consents that it may be answered and evidence received, subject to the same conditions as in case of the conversation between the man in gray and witness.)

A. Some time during the day the captain told me he had orders to turn over a team—a six-mule team. He said we had more teams than we needed in the city—this was in the morning. In the afternoon I went to him to see what kind of team to turn over—that is, the quality of the team. He told me to select a good team—a six-mule team. While we were talking there, we saw the accused and the man in gray coming in the buggy, and he says, "There comes the major; I will see when he wants the team turned in." As they drove up he spoke to them, and the conversation occurred as I have stated it before.

By ACCUSED:

Q. Was not the man in gray sometimes addressed as "major," or by some other title of military rank?—A. I do not recollect of ever hearing him spoken to or addressed as such. I have heard that he was a lieutenant, but never heard him addressed as such.

The court and parties having no further questions to ask, the witness was dismissed.

W. W. CAMPBELL, junior first lieutenant Company A, Second Illinois light artillery, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and, if you know the accused, how long you have known him.—Answer. W. W. Campbell; I am junior first lieutenant Company A, Second Illinois light artillery. I have seen him often. I have no personal acquaintance with him. I saw him first about the 15th or 16th of October last.

Q. Do you know anything about a roan horse having been taken from your camp by the accused; if so, when was it?—A. I know of a roan horse being taken from our camp about the 25th of November last; between the 20th and 25th: not certain as to date. I do not know that accused took him away at that time. I saw him in the yard looking at the horse, and riding him around, and out of the camp, and into the street; whether he took him away or not I do not know. The horse was taken away about that time. The last I saw of the accused, at that time, he was going up Religious street, riding the horse, about one block distant from the stables. I have never seen the horse since. Never has been returned to our quarters since, to my knowledge.

Q. Describe this horse.—A. He was a roan horse, about fourteen hands high—not certain as to height; a fine looking, neat horse; had very slight brand on the left foreshoulder—"U. S." brand, I suppose, though it was very hard to distinguish what it was; about six or seven years old.

Q. State, if you know, whether or not this was a government horse, and how long he had been used in the battery.—A. I have always supposed him a government horse. He came into our stable from a government stable, under charge of Captain Armstrong, assistant quartermaster, where sick horses were kept. I supposed he was brought in exchange for another government horse taken from these stables about the same time. This roan horse was brought into the battery some time in March, 1864; about the middle of March. He had been used as a saddle-horse in the battery, part of the time by the sergeant and the wagon-master, and part of the time by the captain. He was always reported in the battery as a government horse.

Q. State who was in command of your battery previous to the 1st of December last.—A. Captain H. Borries; and from the 18th of October, 1863.

Q. Do you know anything about any government mules having been taken away from your battery, and which have not been returned to it? If so, state when, where, and by whom they were taken, so far as you know.—A. There were six taken away between the 15th and 20th of November last. There were two colored men who rode the mules out of the yard, and they were driven out by a man by the name of Staples, whom I had often seen

with the accused. The accused was in the vicinity, in the street. I saw him near the gate and the quarters. I do not remember seeing him in the yard at the time the mules were taken out. I saw him in a buggy part of the time, and a part of the time on foot. Captain Borries was in the yard when the mules were taken out, and followed them out. I saw these mules last going up Tchupitoulas street, about a block from camp. Captain Borries, after he came out of the yard, got into the buggy with the accused, and went toward the Alabama Press. The accused and the captain came back together in a short time, drove up to the quarters, and the captain got out. They were government mules, to the best of my knowledge. I do not know that we ever had any private mules in the company. Corporal Barnaba was there attending to the delivery of the mules.

(Before cross-examination the accused asks that all the testimony of the witness in reference to the six mules, and the dealings of Staples and Borries in regard to them, be stricken out as irrelevant.)

The judge advocate replied that he could not see how this evidence could in any manner be considered irrelevant. The witness has confined himself to what he saw of the actions of certain persons charged to be parties to a combination with accused. These very actions and this very conduct is certainly strong circumstantial evidence of the fact of a combination between these parties, especially when taken in connection with the testimony of Corporal Barnaba as to what was done and said by the accused and these same parties three-quarters of an hour before; and for this reason, if for no other, is material and relevant. Combinations and conspiracies are notoriously difficult to prove, and generally must be proved by conduct of the parties and such circumstantial evidence as this.—[Referred to Benét, pages 287 and 288.]

The accused replies that the law wisely rejects such testimony, because if received it would compel the accused to prove why he was in a neighboring street at the time, and why Captain Borries got into his buggy and drove off with him—a thing well nigh impossible after any lapse of time. Such evidence, if admitted in a criminal case, would, in a city, implicate every person in the neighborhood whom the authorities, in their wisdom or foolishness, might choose to arrest.

The court was then cleared, and, after mature deliberation, the doors were opened, and the accused and his counsel present, and the decision of the court was announced by the judge advocate, that the motion of the accused be overruled, and that the testimony of the witness be not stricken out.)

By ACCUSED :

Q. Was not the roan horse taken from your camp as late as November 30?—A. I think it was before that time. I am not positive of the date, but I think it was on or before the 25th.

Q. Why do you think it was on or before the 25th of November?—A. The only thing I have to guide by is, that there were twelve other mules taken out on the last day of November or the 1st of December, and the horse was taken out a few days before.

Q. Can you swear positively, and of your own knowledge, that this roan horse was not a private horse?—A. I cannot.

Q. Are you very sure that the roan horse was branded "U. S." in any perceptible manner?—A. I could distinctly see a part of the "S;" this is all I could make out.

Q. Might not a private horse be branded with an "S" or part of an "S"?—A. It is very possible that it might.

Q. Did Major Perry, to your knowledge, know that this roan horse was a government horse?—A. Not to my knowledge.

Q. When you say that Major Perry was in the street near your camp at the time the six mules were transferred, was he not as near to his own camp as to yours?—A. He was not. He was in the vicinity of our camp, between the officers' quarters and the quarters of the men—about four or five rods from the nearest portion of his own press—probably not over four rods, but not less than fifteen or sixteen rods from the gate of his press.

Q. What was Major Perry doing in the street at the time to which you refer?—A. He did not seem to be doing anything. He seemed to be waiting for some person, or to see some one.

Q. Was he alone?—A. He was alone.

Q. When Major Perry and Captain Borries drove off, where did they go—how long before they returned?—A. They went toward the quarters of accused, and returned in five or ten minutes.

Q. Did they bring back with them the sorrel horse which was transferred by Major Perry to Captain Borries?—A. They did not, at that time.

Q. Do you remember if Captain Borries rode out after that on that day, and did he not ride the sorrel horse?—A. I do not remember. He generally rode out every day, but I do not know what horse he rode.

Q. When Major Perry had brought Captain Borries back, which way did Major Perry go with his buggy?—A. I did not notice which way he went. I stepped into my quarters, and did not notice after that.

Q. Did not Major Perry drive about a good deal in his buggy, and drive his acquaintances about?—A. I saw him driving past the quarters frequently; sometimes persons were with him, sometimes not.

Q. Did you see Staples and Borries driving with him, and quite often?—A. I have often seen Staples riding with him; I do not recollect of seeing Captain Borries riding with him before.

Q. Do you know, of your own knowledge, whether Captain Borries sold these six mules to Staples or transferred them to him upon receipt?—A. I do not know. I know that no receipts ever came to the company, among the company papers. I do not know that Staples had anything to do with these mules, except to drive them away.

Q. Do you know, of your own knowledge, that Major Perry had any part or share in the transfer of those six mules to Staples?—A. I do not.

Q. You spoke of twelve mules, which left your camp about December 1; are they not now, or were they not, at the time of Major Perry's arrest, at the Alabama Press?—A. I do not know anything about them after they left our quarters—they have never been returned to the battery.

Q. Why have not the officers of your battery got them back from the Alabama Press?—A. I do not know what were the reasons of the commanding officer for taking no steps in the matter.

Q. Do you know Staples; if yes, did you ever hear him called major or colonel?—A. I never spoke to the man in my life. I have seen him often and heard that his name was Staples; that is all I know about him. I never heard him spoken to as major or colonel. I heard that he had been a lieutenant.

Q. When Major Perry and Captain Borries drove off together, as you say, to the Alabama Press, do you know, of your own knowledge, what their business together was?—A. I do not.

The court and parties having no further questions to ask, the witness was dismissed.

The court then, at 3 o'clock p. m., adjourned to meet again at 10 o'clock a. m. to-morrow, the 10th instant.

NEW ORLEANS, *January 10, 1865*—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as yesterday, the judge advocate, and the accused and his counsel.

Private SAMUEL BENNETT, Company A, Second Illinois light artillery, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and, if you know the accused, how long you have known him.—Answer. Samuel Bennett. I am private in Company A, Second Illinois artillery. I know the accused—have known him about six weeks.

Q. If you have ever delivered any mules to the accused, state when and where it was, at whose order, how many, and all the circumstances.—A. I was ordered to drive one six-mule team to Alabama Press for Major Perry, and to stay and haul sawdust for the accused that day, and leave the team there that night. The wagonmaster, Corporal Barnaba, gave me these orders. This was somewhere about the first of December. I took the team and reported with it to the accused at the Alabama Press. We drove under a shed and reported. The accused told us to wait there till a citizen dressed in light gray clothes with dark gray cap came, and he would go with us and show us where to get the sawdust. We waited about half an hour, then the citizen came and went with us to a saw-mill up Tchupitoulas street, and got this sawdust. There was another team with us. We each got a load. We brought the sawdust and unloaded it at the stables in the Alabama Press. The citizen showed us where to unload it. The citizen then told us to drive under the shed where we were in the morning, and unhitch and throw the harness in the wagon. We did so. He told us to leave the mules there and we did so. While coming from the saw-mill this citizen said he would take two of the mules I had in my team and drive them in a buggy or spring-wagon. We got through hauling the sawdust, and I left the mules about half past two o'clock, when the accused took us to the sutler's, treated us, and we went back to our camp. These mules, none of them, have been returned to our camp since. There were twelve mules altogether in the two teams, and they belonged to our battery, and the harnesses also belonged to our battery, and have not been returned since. I have seen these mules several times since at the Alabama Press. I saw them there at least two weeks after I left them there.

Q. State whether you had ever seen this citizen in gray before. If so, when and where?—A. I saw him in our camp the day the other six mules were taken away, about two weeks before. He came in there first with Captain Borries, and they looked about among the mules and talked about the different teams, and looked among the horses. He was there about twenty minutes then. It was an hour or three-fourths of an hour, he came back with a couple of negroes and took the six mules away. He came to the press on foot. I saw nothing of the accused that day.

By ACCUSED:

Q. At the time the twelve mules were taken to Major Perry, what was Major Perry doing; did he seem to be busy mustering recruits or signing papers?—A. Not that I know of—I did not see him. I did not see him doing anything at all. He came to the wagons, went away again, and I did not see him again that day.

Q. Did the citizen of whom you speak give any reason why he went with you to get saw-dust?—A. No, sir.

Q. Who else was present when the twelve mules were reported to Major Perry?—A. Nobody, that I recollect of, but the wagonmaster and two or three other drivers in the corral standing around.

The court and parties having no further questions to ask, the witness was dismissed.

The court then, at 12 o'clock m., no more witnesses being present, adjourned to meet again at 10 o'clock a. m. to-morrow, the 11th instant.

NEW ORLEANS, LOUISIANA,
January 11, 1865—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as yesterday, the judge advocate, and the accused and his counsel.

Captain HERMAN BORRIES, Second Illinois light artillery, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long have you known him.—Answer. Herman Borries; I am captain Company A, Second Illinois light artillery; I know the accused; have known him about four months.

Q. If you have ever delivered to the accused any horse, state when and where it was, and describe the horse.—A. In the month of November last I exchanged horses with him in my camp at Alabama Press, yard No. 2. The horse I let him have was a roan horse, about sixteen hands high, six years of age, in good condition.

Q. State all the circumstances and terms of this exchange of horses with the accused.—A. The accused had a light sorrel horse, which he said he wanted to exchange for another horse. I looked at this sorrel horse, and gave him this roan horse for the sorrel.

Q. State, if you know, whether either or both of these horses were government horses or not.—A. Previous to the exchange I had seen this sorrel horse, and observed the "U. S." on his shoulder. Mine was a government horse. I had drawn it from Captain Armstrong, and it was marked with a "U. S." on the left shoulder. I think it was cut on with shears. Nothing was said as to the ownership of these horses at the time of the exchange.

Q. If you have ever delivered any mules to the accused, state how many and when.—A. About the same time—whether previous or after the exchange of horses I do not recollect exactly—I happened to meet with the accused, who asked me if I would loan him, or turn over to him, one or two teams. I answered I would do it with pleasure. I could not turn them over, but I would loan them to him, provided he would take good care of them until a deliverance in a proper way could be effected—a transfer. Then, a few days later, after this conversation took place, a man, whose name I understand is Staples, and whom I had seen frequently in the company of the accused, called on me and asked for six mules without wagon or harness. He said he would get the wagon and harness afterward. I gave orders to my wagonmaster to pick out six serviceable mules, not to take the best, such as would work together, which he did, and turned them over into the hands of two negroes, who drove them off, in which direction I do not know—at that time I believe, to Alabama Press.

Q. Did this man Staples say who he wanted these mules for?—A. He wanted them for the use of Major Perry, he said. He said Major Perry sent him there, at least that was the understanding. I did not hesitate to turn these mules over to Staples, as I anticipated a connection between him and Major Perry. I had loaned out teams to other camps.

Q. State whether you have ever seen any of these six mules since, or know what has become of them?—A. I never have seen any of them since, and do not know what has become of them.

Q. State whether you have had any conversation with the accused in regard to these six mules since; if so, state it.—A. When the accused and I were talking about the twelve mules I let him have afterward, about giving me receipts for them, he denied having received the six mules from me. This was on the morning that we were arrested. I told him that I had turned them over to Staples for him. He said he had not seen any more but the twelve mules. I asked where Staples was, and he said he did not know. At the same time I told the accused I should hold him responsible. He then again denied having received the six mules from me.

Q. Had Staples ever been present at any conversation you had with the accused in regard to loaning him the six mules?—A. He was present once. Major Perry asked me about the mules. He said if Staples should come for them I should send them in his care. This was perhaps six or eight days before the six mules were delivered.

Q. State whether you ever had any conversation with Staples in regard to delivering any mules to him.—A. Yes. At the time I delivered these six mules to Staples I told him to give my compliments to Major Perry, and if I could help him to anything else I would do so with pleasure, and at the same time to take good care of the mules. I never had conversation with Staples in regard to delivering mules to him, or had any idea of doing so.

Q. State how many other mules you have delivered to accused?—A. I also afterward, eight or ten days later, on a written request of accused, delivered twelve mules to the accused. At the time of the delivery of the six mules I had ordered my quartermaster sergeant to make out proper papers for transferring them to Major Perry.

Q. State whether any or all of these mules were government property; and state if you know whether the accused knew this.—A. They were all government property. Nothing was said as to the ownership of them. I did not expect that an officer was to have mules. I guess all were branded. They all had been branded two or three months before at Carrollton.

By DEFENSE:

Q. Was not the sorrel horse delivered to you some days before you delivered the roan to Major Perry; if so, how long before?—A. The sorrel horse was delivered to me three or four days before I delivered the roan horse in exchange, as I intended to try him.

By ACCUSED:

Q. Look at paper now shown you and say if it is the memorandum receipt you gave for the sorrel horse?—A. This is the memorandum receipt I gave Major Perry for the sorrel horse, with the understanding that he should give me a memorandum receipt for the roan horse, if necessary, no blanks being on hand then.

Q. Did you receive from Major Perry any memorandum receipt, or other receipt, for the roan horse?—A. I did not, for the reason I have stated before, and I did not think it the legal way to give receipts written with a pencil.

Q. You say there was an understanding that Major Perry should give you a proper receipt if necessary. How did this understanding originate?—A. As he presented this memorandum receipt to me the first time I had thought of it, I then asked him if it was necessary and required. I also requested him to give me a memorandum receipt also. He then said if I would make it out he would give me a memorandum receipt also.

Q. Did you make it out?—A. I did not.

Q. When Major Perry took the roan horse from you did you tell him it was a government horse?—A. I don't believe he talked about the horse at all. We exchanged the horses there, and I could have no idea of exchanging a private horse of my own for a government horse. I did not tell him it was a government horse. I gave him the choice between two or three government horses. I knew his was a government horse.

Q. Who else was present when you spoke with Major Perry about his giving you a receipt for the roan horse?—A. Nobody, to my knowledge.

Q. Did you not tell Major Perry, at the time you gave him the roan horse, that it was your own private property? Did you not also state that you had brought the horse from Missouri?—A. I did not tell him it was my own private property. I did not state that I had brought this horse from Missouri. I told him that I had brought a sorrel horse which is used in the battery, and which is my own, from Missouri.

Q. Did you not state to Major Perry, before you gave him the roan horse, that you would give him the roan horse as a present? This in the presence of Mr. Staples?—A. No.

Q. Did not Major Perry at this time hesitate to accept the roan horse, and did you not assure him again that it was your own private property?—A. Not that I know of.

Q. As to the six mules—please state if you know that Major Perry ever received them after you gave them to Staples.—A. I do not know.

Q. For what purpose and understanding did you loan to Major Perry the twelve mules with harness and wagons?—A. To work for him in his camp.

Q. Where were those twelve mules when you and Major Perry were arrested?—A. I do not know. I think they were in the Alabama Press.

Q. Did you ever combine, as is charged in this case, with Major Perry to defraud the government by selling to the government the roan horse of which you have spoken?—A. No, sir.

Q. Did you ever, as is charged in this case, combine with Major Perry and Mr. Staples to dispose of, for your mutual benefit, any government horses and mules?—A. No, sir.

Q. Did you and Major Perry ever combine or agree together to sell any government property and divide the profits?—A. No, sir.

Q. Did Major Perry ever recommend you to deal with Mr. Staples in government property? If Major Perry ever said anything about this subject, please state what he said.—A. He never recommended me to deal with Mr. Staples in government property. I never heard him say anything about it.

Q. Please state what (if anything) Major Perry told you respecting having dealings of any sort with Staples.—A. He never told me anything.

Q. Please state if you ever received from Mr. Staples any money for the six mules delivered to him.—A. Never.

Q. Please state if you ever received from Major Perry, or agreed or expected to receive, any money for the six mules delivered to Staples, or for the twelve mules loaned to Major Perry.—A. I never received or expected to receive any money.

Q. Please state whether you ever received or expected to receive any of the money realized by the sale of the roan horse to Mr. Rogers.—A. Never.

Q. Please state whether or not the place occupied by you as a camp is a part of the same press occupied by Major Perry's command?—A. It is a part of it; belongs to it.

Q. At the time you delivered the six mules to Mr. Staples, was Major Perry present; if not, do you know where he was?—A. He was not present; I do not know where he was.

By JUDGE ADVOCATE:

Q. Had you not seen him and talked with him the same day? About an hour before the delivery of the mules, did not he and Staples come along in a buggy, and you speak to them?—A. I saw him that same day. I was going down to headquarters and met him in a buggy and spoke a few words to him. He was alone. I did not speak to him with reference to the mules. I do not remember of speaking to them about the mules, or seeing him and Staples in the buggy, or hearing them say anything about going up Religious street that day. I saw Major Perry afterward. It was about eight days before that I saw the accused, and he gave me the instructions about delivering the mules to Staples. It is very likely I saw him that morning about it; but I do not know whether I did or not.

Q. State, if you can, when in fact your name was signed to this receipt produced by the accused?—A. I presume it was on the date of the receipt, I think before the twelve mules were delivered. I had not, at time of signing it, heard that any difficulty was likely to arise out of these affairs.

By ACCUSED:

Q. When Major Perry first spoke of borrowing mules, did he not tell you that he would send a written order for them when he should wish them?—A. He did not.

Q. After you delivered the mules to Staples, did you get into a buggy with Major Perry and drive to the Alabama Press?—A. No, sir; I am sure I did not.

The court and parties having no further questions to ask, the witness was dismissed.

HENRY PIERCE, sergeant Company A Second Illinois light artillery, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long you have known him?—Answer. Henry Pierce; I am sergeant Battery A Second Illinois light artillery; I know him when I see him; have seen him often; am not personally acquainted with him.

Q. Do you know anything about six government mules having been taken from the camp of your company which have not been returned to it since? If so, state when it was.—A. This was between the 15th and 20th of November last. The captain and a man whose name was Staples are the only ones I saw having anything to do with them.

Q. If you have ever seen any of these mules since, state how many and describe them, and state what efforts you have made to find them.—A. I think I saw two of these mules afterward at Bull's Head, about a week afterward. I am not sure they were the same; but I recognized them at the time, and was satisfied that they were two of them. They were in coal carts. I do not know who were driving them. One was a large brown mule, and the other was a sorrel. The sorrel had a crooked fore leg. They were large mules. I could not say how many hands high. I have been about the press a number of times when Major Perry was commanding, and made inquiries about them since that. I have never been able to find or see anything of the others. I think I would know the others if I should see them. Do not know that I should.

By ACCUSED:

Q. Do you know that these coal carts you saw at Bull's Head were not drawing coal for the Quartermaster's Department?—A. I do not know.

Q. Is not the government coal mostly discharged at Bull's Head?—A. I am unable to say whether it is or not.

Q. Were the two mules you saw at Bull's Head branded "U. S."?—A. One of them was not. I am not positive about the other. One was a captured mule.

Q. Were you present when the six mules were delivered to Staples? If yes, was Major Perry also there?—A. I was present. If Major Perry was there I did not see him.

By JUDGE ADVOCATE:

Q. Did you examine the two mules you saw at Bull's Head at that time for the purpose of seeing whether there was a "U. S." brand on them?—A. No, sir.

The court and parties having no further questions to ask, the witness was dismissed.

The court then, at 3 o'clock p. m., adjourned to meet again at 10 o'clock a. m. to-morrow, the 12th instant.

NEW ORLEANS, LOUISIANA, *January 12, 1865*—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as yesterday, the judge advocate and accused, and his counsel.

First Lieutenant W. H. HENDERSON, First New Orleans volunteers, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long you have known him?—Answer. W. H. Henderson. I am first lieutenant Company D First New Orleans volunteers. I know the accused. I have known him since about the 16th of September last.

Q. State in what capacity you were acting during the months of October and November last.—A. I was acting in the capacity of acting assistant quartermaster at the general recruiting depot, in Alabama Cotton Press. The accused was in command of the depot during that and up to the time I left, on the 2d day of September last.

Q. State what were your duties there, and especially in respect to the government property there, horses, mules, &c.—A. I was responsible for all government property there, except one horse, which the accused had, and I do not know that this was government property. I had receipted for all the government property there except this horse.

Q. State whether any of the government mules for which you were responsible were missed from the press at any time; if so, state when it was, and what you ascertained from the accused as to their whereabouts and who had taken away?—A. I had three mules there belonging to the government. I think about the last of October last, I was going through the yard and saw a mule that did not belong to me, and that I did not know anything about. I asked the driver, a colored boy, whose mule it was and how it came to be there. From what the driver told me in regard to the mule, I went to the accused about it. I asked the accused something in regard to the mule, who he got it from, or something. The accused told me he had exchanged the mule with a friend, and that if I did not like that mule, that he would get that mule back. One of my mules was missing, and when I asked him about the strange mule, he said he had exchanged my mule for this strange mule with a friend, and I understood it to be a temporary exchange. My reason for wanting my mule back was a very good one, the strange mule was unserviceable, and was marked "O. I. C." This had been burnt over and there was considerable of a scar there; but I could see the "I. C." I gave this as the reason, to the accused, that I wanted my mule returned. The same evening or the next morning, the next morning I think, the government mule for which I was responsible came back into the press, and the strange mule was taken away somewhere about the first of November last. The same mule was exchanged again. I saw another one in there that did not belong to me. I will not be certain as to the date, it was somewhere in November last, that this same mule was exchanged again. This time the accused spoke to me first about it, and asked me how I liked the mule, or something to that effect. I told him the mule would do me very well, provided it was serviceable. After seeing the mule I saw it was serviceable, and had no more to say about it. He did not say what had become of the one I missed. I asked him no questions about that. The mule was not returned to the press before I left.

Q. Describe this mule.—A. It was a brown mule, I think—below the medium size of mules. It was branded "U. S." I received the mule from the old quartermaster, the one I relieved, or else from Captain Chittenden, assistant quartermaster. I received it from the quartermaster I relieved, I am quite certain. It was a government mule, and turned over to me as such. I could not say whether it was a horse or mare mule.

Q. State whether the accused ever said anything to you about having any mules he had received from Captain Borries, Second Illinois light artillery, turned over to you.—A. He did not, sir.

Q. State what was the condition of the stables and privies about the recruiting depot, in regard to sawdust, on or about the last days of November last.—A. The stables and stalls had sawdust in them. I did not think that the stables needed any more. He only had four stalls. I do not know of any ever having been used about the privies at all. Sawdust had been hauled for the stables a short time before, perhaps two or three weeks—I do not remember the time—by order of the accused.

Q. State what were the circumstances of the depot at that time in regard to transportation—whether or not you had all that was necessary for your wants?—A. Yes, sir; I think we had a surplus for the wants of the depot. I so reported a surplus of stock.

Q. Do you know a man by the name of Staples?—A. Yes, sir; he was introduced to me by the accused.

Q. State how this man was usually dressed.—A. He was dressed in citizen's clothes. I do not remember the color.

Q. State if you know where he resided and with whom he lived.—A. I do not know.

When I saw him he was generally with the accused. I generally saw him at the press. He was there occasionally every day, sometimes with the accused, sometimes without the accused, staying sometimes an hour or so.

Q. State whether you ever saw him doing anything for the accused, and if so, what?—A. I cannot say that I ever did see him doing anything for the accused any more than being with the accused, riding with him. He almost every day used the horses of the accused, and those in and about the press. He did not seem to look after the horses and affairs of the accused more than any other friend and associate.

Q. State whether any of the public forage, hay or grain was missed from your press?—A. Some of the public forage which I had drawn was missed and never returned.

By ACCUSED :

Q. When you were relieved from duty at the Alabama Press, what did you do with the three mules then in your possession?—A. I turned them over to the lieutenant who was appointed to relieve me; invoiced them to him.

Q. Did you take receipts from him of the three as government property?—A. Yes, sir; and as serviceable.

Q. Then the mule taken by Mr. Major Perry in exchange for the one you say you missed was a government mule; was it not branded?—A. I think it was branded, and a government mule.

Q. To the best of your belief, then, did not Major Perry make this exchange with some officer who had a government mule and who consented to the exchange?—A. I cannot tell, because there are a great many mules condemned and sold and pass into other hands.

Q. Had this serviceable mule which Major Perry took and which you turned over to your successor been, in your opinion or your knowledge, condemned and sold?—A. It had not. If it had been it would have been branded as such; if it had, it was not marked condemned.

Q. Was not the mule which Major Perry took in exchange, and which you afterward turned over to your successor, a larger one than the brown one you missed?—A. It was taller and heavier.

Q. Did not the accused tell you at the time, or did you not otherwise know, that Major Perry made this exchange so as to get a better mule for your ambulance team?—A. We worked horses in the ambulance at that time; we drew ambulance horses some time before that. He did not. I do not. I was not consulted till after the exchange was made, and he said nothing about the ambulance team at any time.

Q. Was not the ambulance ever driven with mules at any time?—A. Yes, sir; it has been driven by mules.

Q. Do you know that the brown mule which Major Perry exchanged for the larger and serviceable one was in the habit of shying when driven in the ambulance?—A. I do not know; I heard the driver say he did.

Q. Do you know anything further than you have stated in regard to Major Perry selling a government mule?—A. I do not.

Q. When you say you think there was a surplus of stock at the Alabama Press, before the 1st of December, do you mean to be understood that three mules were more than you needed?—A. No, sir; I had no surplus mules.

Q. In drawing sawdust for the press, would it not save time and be a convenience generally to obtain a loan of two mule teams and wagons?—A. Yes, sir; it would save time.

Q. Did you have more than one army wagon of your own at the Alabama Press? What was the largest number of men quartered at the press while you were there?—A. I had but one army wagon. I do not know the number of men; if I should say, it would be guess-work. I drew rations for them. I think the greatest number at one time was about 180-190. It was a recruiting depot. The men came in one day and went out the next.

By Judge ADVOCATE :

Q. State what other means of transportation you had beside the army wagon.—A. We had an ambulance, a light spring wagon, and a cart.

The court and parties having no further questions to ask, the witness was dismissed.

The court then, on motion, by unanimous vote, at 2 o'clock p. m., adjourned to meet again at 10 o'clock a. m. to-morrow, the 13th instant.

NEW ORLEANS, LOUISIANA, *January 13, 1865*—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as yesterday, the judge advocate, and the accused and his counsel.

Sergeant B. F. BICE, One hundred and thirtieth Illinois infantry, a witness for prosecution, sworn and examined in presence of accused.

By Judge ADVOCATE :

Question. State your name, present occupation, and if you know the accused, how long

you have known him.—Answer. B. F. Bice. I am sergeant Company B, One hundred and thirtieth Illinois infantry. I know the accused; have known him since November last; about the 1st of November.

Q. In what capacity were you acting in the month of November last?—A. I was staying at the Alabama Press awaiting the return of a petition. The Press was then used as a recruiting depot, and commanded by the accused.

Q. Do you know anything about a government mule being taken from that recruiting depot by order of the accused? If so, state when it was and all the circumstances, so far as you know.—A. I know nothing about a mule being taken from there. I know there was three mules there, and one of them was taken from there and another returned in its place, by whose order I do not know. This was about the middle of November. The mule that was taken away was, I think, a light bay mule, of ordinary size, neither large nor small. I could not say whether it was branded or not. The mule that came there in the place of it was a larger mule than the one taken away, and of a brown color. I do not know whether it was branded or not. I have never seen the one which was taken away since, and have no idea where it went to. This mule had been in the press from the 27th day of April last, and used in the wagon for drawing provisions. I know that the one returned in its place remained in the press two or three days. Whether it was there when I left, or not, I do not know.

Q. Do you know anything about any government forage having been taken from the press, where it was taken to, and by whose order?—A. I know that some forage was taken away from there; I do not know by whose order or where it was taken to. This was between the 5th and 10th of November.

By ACCUSED:

Q. You say the mule which came in, in the place of the mule that went out, was at the Alabama Press two or three days. So far as your knowledge goes, is it not there still?—A. I cannot say whether it is or not. It may be there for all I know.

Q. You have stated that the mule which was taken in exchange was larger than the one that went away; was it not equally valuable, or even more valuable?—A. I could not say what the value of either mule was.

Q. Did you not act as quartermaster's clerk at Alabama Press; if yes, did not Major Perry draw his allowance of forage and fuel at the press, or through the press quartermaster?—A. I was merely staying there; and while staying I remained in the quarters of Lieutenant Henderson, and did part of the writing in the office. I think he did draw his forage and fuel there for that month at least.

Q. Did Major Perry ever take any forage away from the press; if yes, was it not forage he had drawn for his own horses?—A. I could not say by whose orders the forage went away from the press. He was in the forage-room when the forage went out of there. I heard no orders given. It was forage drawn there at the press for the use of the horses there.

Q. Can you not remember Major Perry asking you at the time, "Which is my pile?" or words to that effect?—A. I do not, sir, though I remember being in the forage-room at the time. The forage—that is, the hay—was all piled up together, though I do not think it was drawn at the same time.

Q. You have stated that Major Perry was accustomed to draw his forage from the press quartermaster; was he not thus drawing his own forage from the press quartermaster at the time to which you refer?—A. I do not know that he drew his forage for the month before of the press quartermaster. I think he was drawing his own forage.

The court and parties having no further questions to ask, the witness was dismissed.

ALFRED CLARK, enlisted under-cook, of African descent, witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long you have known him.—Answer. Alfred Clark; I am a recruit at the Alabama Press, and cooking there for the soldiers. I know the accused; have known him for two or three months—since he came there to the press.

Q. State whether you ever took a mule away from the Alabama Press and brought another back in its place; if so, who was it told you to do so, and where did you take it to?—A. Yes, sir; I took a mule away one time, and brought another one back in its place. It was a red mule I took away. The accused told me to take it away. He told me to take it to the blacksmith shop close to the Alabama Press, up the river. I do not know the name of the street. He told me to put it in the shop, and showed me where the shop was. I took the mule up there and left it in the shop. There were two more mules in the shop. They were standing in the shop, close to where they make the fire, in the back part of the yard. They were hitched to some lead, with chains around their necks. I left the one I took, and brought back another one to the press. The accused told me which one to bring back; told me to bring back a kind of a sorrel mule. The mules had hay and corn and

oats there. There were three bales of hay and four bags of corn and oats. I put the mule that I brought back to the press into the same place that I brought the other one from. The one I brought back was a larger mule than the one I took away, and darker colored. The one I took to the shop did not have any government mark on; the one I brought back did have. Both the mules are mare mules. The hair on the tail of the mule I took to the shop had been sheared a long time ago, but grown out again. I saw a man at the shop. He was working around there, and there was fire in the shop. He was a big, fat man; not so tall. He was working at iron.

Q. State whether you have ever assisted in taking hay or corn up to that shop.—A. I took some hay and corn up to that shop once. The accused told me to do so. We took the hay and corn from the Alabama Press. We took up two bales of hay and some oats and corn—two bags of oats and two bags of corn. This was two or three days before I took up the mule. There were mules in the shop then. They were the same ones I saw there when I took the other mule up. One of the other mules was a black mule, and the other a red mule. The black mule was a large mule, and the red mule was a small one. When I went to bring the hay and corn there, there was a man then with me; a man whom I had seen frequently at the press with the accused. He had on citizen's clothes—gray coat, black pants, and sometimes had a cap, kind of black, and sometimes a hat. He had a key and let me into the shop. He went with me to show me the place where I had to put the hay; and this shop is on the right-hand side of the street as we go up. It was two or three days after I took the mule there that I took this hay and corn there. When I took the mule up the accused went with me, and the shop was open. The back part of this shop is open. The roof does not extend over it.

By ACCUSED:

Q. The mule you took up to the shop—had you ever driven it in the ambulance up to Carrollton?—A. I had driven this mule up to Carrollton. He did not like to go across the gutters. The accused said he was going to trade it for another. The mule did shy when he came to a bridge. The mules were used at that time for driving in the ambulance. The mule I brought back from the shop had a government brand on it—a "U. S." The forage I took up to the shop was taken from the commissary room in a pile separate from the forage—Major Perry's pile.

By JUDGE ADVOCATE:

Q. What did the accused say about trading this mule for another?—A. He told me the mule was too bad to go in the ambulance, and that he was going to trade it for another.

The court and parties having no further questions to ask, the witness was dismissed.

First Sergeant E. E. McFADDEN, Company A, First New Orleans volunteers, witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long you have known him.—Answer. Enoch E. McFadden. I am orderly sergeant Company A, First New Orleans volunteers. I know the accused; have known him about three months.

Q. State in what capacity you were acting in the month of November last.—A. About the 1st of November I was acting as quartermaster sergeant at the general recruiting depot at Alabama Press. I was relieved from there on the 22d day of December.

Q. Do you know anything about a government mule which had been used at that press being missed, and another mule found in its place? If so, state when it was, and all the circumstances, so far as you know.—A. Yes; there was a mule missing from there—a government mule, and another in its place. I do not recollect the date. I think it was between the first and middle of November. I had the mule there and used it drawing rations for the recruits, and it was missing and another in its place. It was a dark-colored mule there in the place of it—I do not know what you might call it—dark bay. The one that was missing never came back to the press that I know of. It had been missing once before some two or three days. I do not know why it was out. It was returned again after being out two or three days. This was some ten days before it was missed the last time; there was a mule in the place of it then. This was a dark-colored mule, a good-sized mule, about the average size. It was a larger mule, but not in as good order as the one taken away. I do not know whether there were any brands on it or not. It was a dark bay mule. I do not know how this mule came there, or how it went away.

Q. Describe the one taken away particularly.—A. It was a red sorrel mule; I think a mare mule. One of the ears was cropped, and perhaps the same ear split. I think it was branded "U. S." It was not as tall as either of those left in the place of it; it was as heavy, though; it had more flesh. It was in good working order. I do not know how this mule came back, or where it had been in the meantime.

Q. Describe particularly this last mule found in the place of the one missing.—A. This mule was about the color of the first, a dark-colored mule, I think a brown mule. I noticed no marks about it. It was in tolerably fair working order. I do not know anything

about how this mule came there, or where it came from, and never heard the accused say where either of these mules came from, or where the other one was gone to.

The court and parties having no further questions to ask, the witness was dismissed.

JOHN EDMOND, mulatto, witness for prosecution, sworn and examined in presence of the accused.

By the JUDGE ADVOCATE:

Question. State your name, age, and place of residence, and present occupation.—Answer. John Edmond; I do not know how old I am; I am waiting on Lieutenant Henderson.

Q. Do you know the accused; if so, how long have you known him?—A. I know the accused; have known him. His name is Major Perry.

Q. Do you know anything about a mule being missed from the recruiting depot at the Alabama Press when Lieutenant Henderson was on duty?—A. Yes, sir; I went to look for this mule. I did not find it. It was missed once and then came back, and the last time it was missed I took it out and put it behind the ambulance, and it never came back any more. The accused told me to do this. I do not know where he took it to. This mule would not work in a cart, and one day the accused he told me to put behind the cart and carry it up there—up above the press there at the blacksmith's shop. This was the first time it went away. The accused and another man, whose name is Staples, went with me up to this blacksmith's shop this time. They put the mule in the shop and tied him. They did not take another mule back with them; the other mule was already back at the press. I had taken it down to the press the morning of the day before. At the time we went after this mule the accused went up alone with me. All that I heard either the accused or Staples say about the mules was that the mule taken to the press was a better mule than the other. When I went up after the first mule there were two mules there, and only two when I took the other back. There was hay and grain in this shop both times. When I took the mule out and hitched it behind the ambulance, the accused drove off up toward the blacksmith's shop. Mr. Staples was with the accused a short time before this; I do not know where he was then. The mule that I brought there to the press is there now. It has one eye and is a sort of a black mule. About a week after I took the mule to the blacksmith's shop, I was there again. The mule was not there then; some men were in there working there. I assisted in taking some hay and corn up to this shop once. This was before I hitched the mule at the hind end of the ambulance; and after I had taken the mule up there I took up seven sacks of corn and two bales of hay. Alphonse took some at another time. The accused showed me where to carry it. I left it in this shop. There were only two mules there.

Cross-examination:

The forage was in one pile at the press. The forage comes to the press in wagons that do not come out of the press, and the forage I took to the blacksmith's shop came in outside wagons. I know I am more than twelve years old, and am not twenty years old. I am not enlisted in the army; I am merely waiting on Lieutenant Henderson, and he hires me.

The court and parties having no further questions to ask, the witness was dismissed.

The court then, at 3 o'clock p. m., adjourned to meet again at 10 o'clock a. m., the 14th instant.

NEW ORLEANS, LOUISIANA, *January 14, 1865*—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as yesterday and the judge advocate and the accused and his counsel.

Colonel W. C. Holbrook, Seventh Vermont veteran volunteers, having been summoned to appear as a witness before another court-martial, retired. The court thereupon adjourned to meet again at 10 o'clock a. m. on Monday, the 16th instant.

NEW ORLEANS, LOUISIANA, *Jannury 16, 1864*—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as on Saturday, the 14th instant, the judge advocate, accused, and his counsel.

JAMES FITZPATRICK, special officer of river police, witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long you have known him.—Answer. James Fitzpatrick. I am about thirty-six years of age. I am special officer of the river police at present. I know the accused; have known him since about the 2d of December last.

Q. State in what capacity you were acting during the first days of December last.—A. I was special detective, Department of the Gulf.

Q. If you have ever had any conversation with accused in regard to a certain roan horse and certain mules which had formerly been in the possession of Captain Borries, state when and where it was, and the language used by both parties thereto, and all the circumstances.—A. On or about the 2d of December last, I visited the Alabama Cotton Press for the purpose of searching for supposed stolen government mules and horses, and also arresting such parties therein as I thought proper. I received my orders from Captain Cheek, assistant provost marshal general; the orders were written. I went, and inquired for Major Perry, told him the object of my visit, and showed him my written order. I also took Mr. Pierce, of the Second Illinois battery, to identify these horses and mules. The accused stated that he had no objection to my examining the premises, and taking any parties I pleased out of there, or words to that effect. He appeared angry with the provost marshal—that is, Colonel Robinson—for giving this order to have him arrested, and stated that he believed it was on account of the bad feeling existing between him and Colonel Robinson. After conversing with two or three men in the press, I asked the accused about a certain horse which was missing from the Illinois battery, and which had been in his possession some time previous—a large roan horse. The accused told me the horse was in Phil. Siner's stable, and invited me to ride down with him to provost marshal general, to have an understanding about it. This I did not do, because I wished to go to Siner's before him. I then proceeded to Siner's stable and questioned Siner about the horse. He told me that Major Perry had taken away the horse the morning previous. I went in search of the horse and found him in a government stable on Frerit street. I seized the horse, but finally left it there. I saw the accused about it the following morning at provost marshal general's office; in talking with him, I told him what Mr. Siner had told me about the horse being taken away by himself. He appeared angry, and stated that the horse was his private property. And I asked him who he had got the horse from. He replied that he had bought the horse from an officer. I asked him who; and he declined to tell me his name, and stated that detectives were sons of bitches; black mailers, and come smiling to men to get information from them and then deceived them; or words to that effect. I told him that no man had a greater respect for a federal officer or soldier than I had; that I knew a portion of detectives were what he represented, that they could not be worse characters than some federal officers. He then spoke something about giving up his commission to have revenge. He was remarkably excited and angry. In the press the accused also stated that the horse was his private property.

Q. State what occurred on Saturday morning last, while you were in attendance on this court as a witness, between you and the accused in the witness room, while awaiting the convening of the court, which occasioned you to appeal to the court for protection.—A. I was sitting inside at the fire in company with a soldier. The accused came into the room in an excited manner and questioned me as to a conversation that he and I had had, and what I knew about the case, &c.; accused me of having the conducting of this thing and of acting wrong, persecuting him, or words to that effect. I reasoned with him, and told him; asked him if he was placed in my position how he would act, and told him that a soldier had come to one officer and reported about these horses and mules, and that I had been set on that business. He then called me a liar, and threatened to lick me, and stated that his hands and feet were now tied, and he did want to do it now, or words to that effect.

(Objection. The accused here objected to all the testimony on the subject of the interview of accused with witness on Saturday last as irrelevant. The accused is not charged with any improper conduct toward the witness. The case has already been cumbered with much testimony of a doubtful relevancy, and if the particular animus of every witness, growing out of facts arising during the trial, be the subject of further testimony, the case will be endless. If the witness be allowed to prove what is endeavored to be shown, the accused must be allowed to disprove it, and so on *ad infinitum*, while the investigation of the real issues would be suspended.)

The judge advocate replied that the object of this testimony is to show an attempt on the part of the accused to intimidate a witness of the prosecution by threats, menaces, and harsh accusations, which conduct on the part of the accused is presumptive evidence of guilt, and referred to Wharton's American Criminal Law, paragraph 714.

The court was then cleared, and after mature deliberation, the doors were opened—the accused and his counsel present; the decision of the court was announced by the judge advocate, that the objection of the accused be overruled, and the evidence be admitted.)

By ACCUSED:

Q. Was not the order given you by Captain Cheek an order to arrest *Mister Perry*? If yes, what was said by you and accused in relation thereto?—A. Captain Cheek ordered me to arrest one Perry, if he was not a major. I handed Major Perry the order—the written order. He read it, and appeared angry at his being ordered to be arrested. I inquired if he was a major; there was a doubt as to whether he was or not, from the fact that he had usually worn citizen's clothes. He told me he was a major, and showed me papers that he had formerly been a captain. The written order was to arrest one Perry; and I was instructed to ascertain if he was a major, and if so, not to arrest him.

Q. Did not Major Perry offer to go with you and explain the matter to Captain Cheek; and offer to take you with him in a wagon?—A. Yes, sir.

Q. Did not Major Perry tell you that the roan horse was his own private property? Did he not also state the same to Captain Cheek?—A. He told me so. I do not know what he stated to Captain Cheek.

Q. Did he not also tell you that twelve mules of Captain Borries's were in the Alabama Press, in his (Major Perry's) possession; and did not you see them in the stables of Major Perry's press?—A. If he said so, I did not hear him. We had a long conversation; he might possibly have said so. I did not see the mules there. I saw some five or six, but none that Pierce identified as belonging to Captain Borries. I swear that I did not see twelve mules there in the stables, though I went into them.

Q. Did you go into a shed, near the sutler's store, where mules were kept? If yes, how many mules did you see there?—A. I do not know where the sutler's store is kept. I went into two sheds: I did not see more than five or six mules there altogether; there might have been a thousand there.

Q. Did not Major Perry offer to go with you to the place where the roan horse was kept? If yes, why did you not go with him?—A. He did not.

Q. Do you know whether Major Perry was aware at this time that the roan horse had been sold for him?—A. I do not know that he was. He told me, as I before swore, that he was in Siner's stable.

Q. When and where did you see Major Perry next?—A. At the provost marshal's office, in the hall, on the following morning.

Q. Did not Major Perry there tell you that the roan horse had been sold, and he had the money (or a part of it) in his pocket?—A. No; but he told that it was his private property; that he had bought it from an officer, but declined to tell me who that officer was, and got terribly excited over it.

Q. Did he not also tell you then and there that the twelve mules were still at his press, and offer to take them up and show them to you?—A. No.

Q. Who were present at this last interview in the hall, at the office of the provost marshal general?—A. There was an officer Henuepy present at the latter portion of it, and some citizen I do not know; Captain Borries was also in the hall, though not immediately present, and may have heard a portion of the conversation.

Q. Why did you not go with Major Perry from his press to the office of the provost marshal general when he invited you to go in his buggy?—A. I suspected that Major Perry wanted to go down to Siner's stables, and I wished to go there first; besides, I had Pierce with me and wanted to have him go along. I wished to go to Siner's stables immediately; I was not afraid Major Perry would stop there on the way. I went to Siner's stables and found nothing there; I state distinctly and positively that the accused said that the horse was at Phil. Siner's stables. Some men were present; I do not know their names; I do not know that they were within hearing distance.

Q. When did you first ascertain where the roan horse was?—A. That same day that I visited Major Perry's and Siner's stables.

Q. In the interview you had in the next room on Saturday last with Major Perry, did he ask you not to testify against him?—A. He did not.

Q. Did he make any specific threats against you, in case you should testify against him?—A. He did not.

Q. Did he try in any way to intimidate you, so that you should not testify?—A. I took his threat he would whip me if his feet and hands were not tied as a threat to intimidate me; but this may not have been his intention.

Q. Were you intimidated so as to affect your testimony, and make it more favorable to Major Perry?—A. Not at all.

Q. You say Major Perry spoke of throwing aside his commission to have revenge on you; please state more fully what he said and how he came to say it.—A. I do not remember the precise words he used; I was a little excited myself on the occasion. The substance of it was, that he would lay aside his commission to have revenge on me. This was in the hall of the office of provost marshal general.

Q. Did he not say, in substance, that if you would throw aside your official position he would throw aside his, and settle any personal difficulties you might have, as such things are commonly settled between man and man?—A. I do not know that he used these words; I before stated the substance of what he said. He did not make use of the language stated, to my knowledge.

Q. Did he not convey such meaning to your mind?—A. I took it that the accused, on account of his commission, was not at liberty to quarrel with me. What his real meaning was I do not know.

The court and parties having no further questions to ask, the witness was dismissed.

SAMUEL JOHNSON, a witness for the prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, age, present occupation, and place of residence.—Answer. Samuel Johnson; I am twenty-one years of age; I live in New Orleans; I have no occupation at present.

Q. Do you know the accused; if so, how long have you known him?—A. I know the accused; have known him, I suppose, about six weeks.

Q. State in what capacity you were employed in the first days of December last.—A. I was then first lieutenant Company K, First Louisiana cavalry, and on duty at the Alabama Press. I was ordered to report to the accused for duty.

Q. State whether or not you was officer of the day at that press at any time between the 2d and 9th of December last; and if so, how many times?—A. I was officer of the day; I was acting as such every other day.

Q. If you received any order from the accused while acting as officer of the day at that place in regard to detectives or police officers, state what they were, when given, and how long in force.—A. I received orders, while officer of the day, from Major Perry, not to allow any police officers or detectives inside of the press, and if they demanded an entrance to put them in the guard-house, and if they made any resistance to buck and gag them. These orders were given to me verbally. These orders were given and turned over to the next officer of the day, and were in force until the 9th of December, when the accused was arrested. They were in force there several days.

By ACCUSED:

Q. Do you know by whose orders Major Perry gave these directions?—A. No, sir.

Q. Do you know why they were given?—A. I know the reason he told me for giving them—because, he said a police officer had been to the press and took out a soldier charged with stealing hats.

Q. Was it not also to prevent the practice of police officers and detectives coming to the press to arrest deserters, for which afterward they claimed a reward?—A. Well, these were the reasons he alleged for giving me these orders.

Q. Has not one of the officers at the press, Lieutenant Gibson, been under arrest lately for allowing a civilian officer to come into the press?—A. Yes, sir; he was under arrest at that time by order of Captain Sturgeon, chief mustering officer.

Q. Have you ever been commissioned or mustered in as a lieutenant of First Louisiana cavalry?—A. Never been mustered—I was commissioned.

By JUDGE ADVOCATE:

Q. Do you know of any such orders being in force at that press before about the 3d or 4th of December, or after the arrest of the accused?—A. I acted as officer of the day both before and after that, but I know of no such orders being in force after his arrest and before the 3d or 4th of December. I went to the press on the 26th and reported to accused on the 28th, and acted first as officer of the day on the 29th.

The court and parties having no further questions to ask, the witness was dismissed.

The court then, at 3 o'clock p. m., adjourned to meet at 10 o'clock a. m. to-morrow, the 17th instant.

NEW ORLEANS, LA., *January 17, 1865*—10 o'clock a. m.

Court met pursuant to adjournment and above orders.

Present: the same members as yesterday, the judge advocate, and accused and his counsel.

Sergeant ROBERT J. BRIGGS, Company I, Seventy-seventh Illinois infantry, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE:

Question. State your name, present occupation, and if you know the accused, how long you have known him.—Answer. Robert J. Briggs. I am a sergeant Company I, Seventy-seventh Illinois infantry. I know the accused; have known him about two months.

Q. State where you were on duty during the months of November and December last.—A. At the Alabama Press.

Q. State whether you were sergeant of the guard there during that time; and if so, about how often?—A. I was sergeant of the guard there during that time about every five days.

Q. If you, while acting as sergeant of the guard there, received any orders in regard to detectives and policemen, state what they were, and when you received them, and how long they remained in force.—A. I received the orders that if any policeman or detectives wanted to come in, and pressed upon coming in, we should let them in, and put them in the guard-house, and if they did not want to go in and be put in the guard-house, but resisted at all, to buck and gag them. I cannot remember just the date it was we received those orders. I do not know that these orders were ever revoked but were never turned over to me after the arrest of the accused. I was on guard when these orders were given, and they were never turned over to me afterward. This was probably three or four days before the accused was finally arrested. We never had any such orders there before. I heard the accused give those orders to Lieutenant Johnson, and the lieutenant gave them to me.

By ACCUSED:

Q. You say you received these orders about November 15; were they in writing or verbal?

Do you know the reason of these orders, and by whom Major Perry was directed to make them?—A. Verbal orders. I do not know the reason of these orders, or by whom he was directed to make them. Our orders were not to let citizens in.

Q. Did your orders direct you to refuse admittance to detectives and policemen, and, if they insisted upon coming in by force, then to put them in the guard-house?—A. Yes, sir.

By JUDGE ADVOCATE :

Q. State, if you know, whether a detective or policeman had visited the accused, and had been to the office of the provost marshal before these orders were issued.—A. There had been a detective in the press there, and I had heard that he had been up to the office of the provost marshal.

The court and parties having no further questions to ask, the witness was dismissed.

PHILIP Siner, a witness for the prosecution, sworn and examined in presence of accused.

By the JUDGE ADVOCATE :

Question. State your name, age, present occupation, and place of residence.—Answer. Philip Siner. I am forty-six years of age. I reside at 193 Gravier street, in this city. I am a livery-stable keeper.

Q. Do you know the accused; if so, how long have you known him?—A. I know the accused; have known him pretty near two and a half years.

Q. Do you know one Fitzpatrick, formerly a detective officer?—A. I never knew him until lately. I know him now by sight.

Q. State whether he ever came to your stables, inquiring for a certain roan horse which had been left there by the accused. If so, state when it was.—A. He came there once, and asked if the roan horse was there. I told him he had been there the night previous, but was not there then.

Q. State when and by whom this horse had been removed.—A. I was not there when the horse went out. I suppose, though, it was the accused. He brought him there, and took him away, again, I suppose. Fitzpatrick came there about midday, and the horse was removed that morning or the day before.

Q. State whether the accused has ever offered to sell you any mules, or whether you ever had any conversation with accused in regard to mules.—A. He never did. I never did.

By ACCUSED :

Q. Was not the accused in the habit of putting up his horses at your stable, for short times as well as long, during the last year?—A. Yes, sir; he has had horses there for months. Always when he came in from camp he put his horses there to have them fed up; sometimes for half an hour, sometimes for months, and sometimes for a single night.

The court and parties having no further questions to ask, the witness was dismissed.

It being impossible to obtain the presence of the only remaining witness for the prosecution to-day, the court then, at 2 o'clock p. m., adjourned to meet again at 10 o'clock a. m. to-morrow, the 18th instant.

NEW ORLEANS, LA., *January 18, 1865*—10 o'clock a. m.

Court met pursuant to adjournment and above orders.

Present: the same members as yesterday, the judge advocate, the accused, and his counsel. Captain Dutton, Seventh Vermont volunteers, stated that a military commission, of which he was a member, had reconvened for the purpose of reconsidering a case, and that he would necessarily be absent an hour or more in order to attend the commission.

The court thereupon took a recess for one hour, or until Captain Dutton should return.

12 o'clock, m.

The court again met.

Present: the same members as in the morning, the judge advocate, accused, and his counsel. Captain Dutton reported that the military commission had not yet concluded their deliberations, and would probably occupy the remainder of the day.

The court thereupon adjourned to meet again at 10 o'clock a. m. to-morrow, the 19th instant.

NEW ORLEANS, LOUISIANA, *January 19, 1865*—10 a. m.

The court met pursuant to adjournment and above orders.

Present: the same members as yesterday, the judge advocate, the accused and his counsel.

• PHILIP DORPF, a witness for prosecution, sworn and examined in presence of accused.

By JUDGE ADVOCATE :

Question. State your name, age, place of residence, and occupation.—Answer. Philip Dorpf; I am thirty-eight years of age; I reside at 232 Rousseau street, this city; I am a horse-trader.

Q. Do you know the accused; if so, how long have you known him?—A. I know the accused; I have known him about two years and a half.

Q. Do you know a man by the name of Staples?—A. Yes, sir.

Q. Have you ever had any conversation with him in regard to the purchase of any mules? If so, state what that conversation was, when and where it was, and whether the accused was present.—A. I have had such a conversation. I think it must have been three weeks before I made my statement before the judge advocate, on the 7th of December last. I met him at the stable of Philip Siner. He told me he had got some mules; said that he would like to sell them; that they were on Religious street, between Richard and Orange streets, in a blacksmith shop. I went to the shop. I went alone. The conversation occurred in the morning. We had agreed to meet at the blacksmith shop at 12 o'clock that day. I went there at the time; he was not there. I waited at the corner, at Mr. Hecker's, for him. When he came there we went into the blacksmith shop. He came alone. He showed me three mules, which were tied up where they shoe horses or mules. I looked at them and told him, they don't suit me; they were too poor and no money in them; I had rather buy horses. He said, "Well, if you don't want them it makes no odds." We returned to Mr. Hecker's coffee-house. Mr. Borries, the captain, was standing talking with Mr. Hecker, and the accused came from below, I don't know where, and was going out on Orange street back. I called the accused over to take a drink. He asked me what I am doing up that way. I told him I had come up on business with Staples, and we all had a drink. The accused said he was going home to dinner, and Staples stood outside on the banquette talking to another. When I was going off, away, Hecker called me in, and we had some conversation about the two horses I had got of him.

Q. Was nothing said by you to accused about your being up there to purchase mules?—A. I do not recollect that anything was said, except about being there on business. I do not remember that Major Perry came into the shop while we were talking about the mules or asked us about trading mules.

Q. Describe those mules which Staples offered to sell.—A. Two of them were little brown mules; one darker than the other, about thirteen hands high, and the other a large mule, about fourteen or fifteen hands high, and very poor; he was dark bay. One of the small mules was near black, and the other sort of a brown. The big one had a government mark on it, I think—I did not see it plainly—I thought it a "U. S." I do not know that anything was said about their being government mules; I did not take notice of the ears of these mules, and their tails were not shaved. Pat. McGuire used to be the owner of this shop. I did not see the men doing anything.

By ACCUSED:

Q. Which way was Major Perry going when you called him over to take a drink?—A. He came in on the Religious street side—came up Religious street; he was on the other side of the street when I called him over; he was going in the direction of Orange street. I do not know whether he was going to his room or not. He used to room in that direction; he told me he was going to dinner.

Q. Did not the accused drink lemonade when, as you say, he took a drink? Did you ever know him to drink anything stronger in the last two years?—A. I do not recollect what he drank there. I always see him drink milk and lemonade for the last two years.

Q. Did Major Perry, so far as you know, know that you were coming up with Staples to the blacksmith shop, before you called him over to Hecker's?—A. I do not know. I did not see him before that morning; I do not believe he did.

Q. Did Major Perry take any part in the negotiations between you and Staples respecting those mules, or any other mules?—A. No, sir.

The court and parties having no further questions to ask, the witness was dismissed.

The prosecution here closed, and the following testimony was offered by the defense:

First Lieutenant H. C. BATES, Eleventh New York cavalry, a witness for defense, sworn and examined.

By DEFENSE:

Question. State your name, present occupation, and, if you know the accused, how long you have known him.—Answer. Henry C. Bates; I am first lieutenant Company K, Eleventh New York cavalry; I know the accused; have known him since July last.

By ACCUSED:

Q. On what duty were you in November last? If you say that you were a member of a board of inspection for purchase of horses, please state if you remember a roan horse, presented to your board for sale by Mr. Rogers in November last.—A. I was a member of the board of inspection for purchasing horses for the government. I remember the roan horse presented by him.

Q. Please state if you inspected that horse carefully and purchased him; if yes, was there any U. S. brand on him?—A. I inspected the horse carefully; smoothed the hair on the shoulder; saw no appearance of a brand; I do not think there was any. Captain Bently also looked the horses over. I do not know that he looked at the shoulder.

The court and parties having no further questions to ask, the witness was dismissed.

THOMAS J. HARRIS, citizen, witness for defense, sworn and examined.

By ACCUSED:

Question. Please state your name and age and occupation, and, if you know the accused, how long you have known him.—Answer. Thomas J. Harris. I am thirty-nine years of age. I am a merchant. Have known him about a month; less than a month, I think.

Q. Do you know Captain Borries? Have you ever been present at any conversation between Captain Borries and the accused respecting a roan horse, which the accused received from Borries; if yes, when and where? And please state what Captain Borries said respecting the title to that horse.—A. I know Captain Borries. I was present at a conversation between these parties in regard to the roan horse. It was in the military jail in this city; it might have been twenty or twenty-five days ago; they were conversing about this horse, the accused was finding fault something about this horse, and Borries replied to him it was his own private horse, and said something about there being nothing in the Army Regulations why he could not sell his own private horse, or give him away. Nothing further was said upon this subject; if there was it was pretty near repetition of same things.

Q. Did Captain Borries say anything about six mules, in the sale of which the accused was charged with some complicity; if so, what did Captain Borries say?—A. They were talking about eighteen mules. They made two lots of them; one of six mules and one of twelve mules. I think it was about the time Captain Borries was undergoing examination. The accused was saying something to him about the mules; Major Perry remarked that he had nothing to do with the six mules; and Captain Borries says, yes, he gave them to another man; that the accused had nothing to do with six mules; I think the other man he called Lieutenant Staples.

Q. Did Captain Borries say anything about his having told Major Perry, at the time he let him have the roan horse, that it was a private horse; if yes, what did he say on this subject?—A. I understood from their conversation, that Major Perry had turned over to Captain Borries a government horse, and took his receipt; and then that Captain Borries had given him the roan horse, which was his own private property. Captain Borries spoke of some private horses of his which he had brought from Missouri, and I think this was one of them.

By Judge ADVOCATE:

Q. State what fault the accused was finding with the roan horse.—A. He was finding fault with Borries for getting him to trouble about this horse.

Q. How did this conversation happen to take place, and who began it?—A. I do not know; they were talking about it nearly every day; I heard them many times.

Q. Did not the accused ask questions of Captain Borries; ask him if the horse was not so and so; and if he did not tell him so and so?—A. Yes, sir.

Q. Did not Major Perry ask Captain Borries if he had not given him the roan horse as a present?—A. I understood from their conversation that the government horse that Major Perry had turned over to Captain Borries was a valuable horse; and that, in consideration of this government horse having been transferred to him, he had given him the roan horse. The words "present" and "conversation" were not used.

Q. Did the accused ever ask you and others to remember these statements and admissions of Captain Borries in regard to these, that you might be called upon to testify in regard to them some time, or words to that effect?—A. I think he did; and that we might be called upon. There was another gentleman present also at one of these conversations, and he said the same things to him. It was either immediately after the conversation took place, or the next day. I think it was immediately after the conversation took place. He also told Cavanac to do the same.

Q. Did either of them say anything about the six mules—as to what become of them?—A. They did not know what had become of the six mules. Major Perry says to him: "Damn it all, I never had anything to do with those six mules;" and the captain replied: "No; I turned them over to another man."

Q. How came you in the military prison and on what charges?—A. I was in there as a prisoner at the time by collusion of two men, who stated that I had been engaged in contraband trade with the rebels. I was released on examination before the provost marshal.

The court and parties having no further questions to ask, the witness was dismissed.

WILLIAM HOMER, citizen, witness for defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and occupation? Were you on duty in November and December last with Lieutenant Henderson, at the Alabama Press; if so, did you have anything to do with forage?—Answer. William Homer. I am fifteen years of age. I am a messenger boy for Captain Perkins, assistant quartermaster. I was clerk for Lieutenant Henderson and Lieutenant Roberts, at Alabama Press. I drew forage for them for one month—for November.

Q. Do you know Major Perry, and how long? Where was the forage for Major Perry's horses brought from, and how was it kept?—A. I know him; have known him about four months. The forage for Major Perry was brought from a press up by Bull's Head, on Tchoupitoulas street. It was kept in the press in the same room, but in a different pile from the rest. The forage for the other horses was drawn from the same place.

Q. Do you know of Major Perry taking from the Alabama Press any forage; if yes, was it taken from his pile or from the public pile?—A. There was only a bale and a half of his forage, and I gave two full bales of hay, and he left his half bale there. The oats and corn all went out of his pile.

Q. With what understanding was this half bale taken from the public pile?—A. He said that he would return it from his private forage. He never returned it that I know of.

By the JUDGE ADVOCATE:

Q. Where did he take this private forage?—A. I do not know

The court and parties having no further questions to ask, the witness was dismissed.

First Lieutenant A. J. BUBY, First Louisiana cavalry, a witness for defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and rank? Where were you on duty in November and December last, and on what duty now?—Answer. A. J. Buby; I am first lieutenant First Louisiana cavalry; I was on duty at the depot of general recruiting service, Department of the Gulf; I am now commanding the same depot.

Q. Do you know of twelve mules that came to the Alabama Press, with two wagons and harness, about December 1? If yes, what use was made of them when they came, and what became of them when Major Perry was arrested?—A. I know that some mules, two wagons, and two six-mule teams, came to the press the latter end of November or first of December. I do not remember the exact time. The day they came they went out of the press to haul sawdust for use of the stables. When the accused was arrested, some few days afterward, I reported the case to Colonel Sturgeon, or at his office, and under instruction they were turned over to our acting post quartermaster, who turned them in to Captain Chittenden—all of them. This was about the 15th of December last.

Q. What do you know of the necessity of sawdust for the use of the Alabama Press about the first of December last? If anything, state.—A. I presume sawdust was necessary, or very useful, both for cleanliness and for horses' feet. I do not know that any sawdust had been used there previous to this.

Q. Do you know of Lieutenant Henderson being taken to task about that time, or shortly previous, for neglect of duty in keeping the premises clean? If yes, by whom?—A. One time, either in October or November, some time previous to that, the cook-house and dining-hall had been placed under charge of Lieutenant Henderson, as quartermaster, and Major Perry sent for him one morning, and took him to task on account of the dining-hall not being properly policed, and the kitchen, and told him he would put him under arrest if he did not attend to his duty in that respect, or this in substance. This was while we were inspecting the press one morning.

Q. Do you know if Major Perry was busy on the day the sawdust was drawn? If so what was he doing?—A. I am under the impression it was mustering—I am not positive—it seems to me it was mustering day.

Q. Do you know of orders being given at the Alabama Press to exclude from the press all policemen and detectives; if yes, why were those orders given, and by whose direction?—A. I recollect hearing the accused say that he had, or was going to give, orders to that effect. One time it was on account of a drummer who belonged to the One hundred and sixty-fifth New York, having been taken out by a policeman, simply on his own showing, and without any authority from the superintendent of recruiting service. I know that the accused spoke something about giving such orders on receiving a communication in regard to this matter from the superintendent of recruiting service. I do not know by whose direction those orders were given.

Q. Do you know of Lieutenant Gibson being arrested? If yes, why was he arrested, and when, and by whose order?—A. He was arrested for turning over this boy of the One hundred and sixty-fifth New York to the policeman or detective who came after him. He was placed in arrest by the accused, in accordance with the written instructions of Captain Sturgeon.

Q. Look at the communication of Captain Sturgeon, of December 2, and say if the signature is that of Captain Sturgeon.—A. Yes, sir, it is; I know his signature; I have seen him write.

Q. Do you know of six mules, said to have been delivered by Captain Borries to a Mr. Staples; if you say you do, do you know of their ever coming into the Alabama Press?—A. I know nothing about them at all.

By JUDGE ADVOCATE:

Q. Was any other use ever made of those twelve mules except to haul sawdust that day?—
A. Not that I know of.

Q. Did the accused ever say anything to you why those mules were there, and what he intended to do with them?—A. He told me at first they were brought there to haul sawdust; afterward he told me there was some trouble between the officers of the company that they belonged to, and that they would remain in the press till that difficulty was arranged. I never heard him say anything about their being turned over to him, or were going to be.

Q. Did your duty at the press lead you much about the stables, so as to know their condition in regard to sawdust?—A. I was there every day almost.

Q. Were orders in regard to policemen and detectives ever given at that press but once?—
A. I do not remember any conversation in regard to such orders but once, though they may have been spoken of at other times. This occurred about the time that the communication was received.

The court and parties having no further questions to ask, the witness was dismissed.

The accused then offered in evidence the communication referred to above, dated December 2, 1864, in the words and figures following:

"SUPERINTENDENT'S OFFICE VOLUNTEER RECRUITING SERVICE,

"STATE OF LOUISIANA, AND DEPARTMENT OF THE GULF,

"New Orleans, December 2, 1864.

"MAJOR: The morning report of the 1st instant from the department under your command shows a loss of one man by 'delivery to civil authority.' If this person (who was a deserter) was delivered by your order, you will at once make a report showing by what authority such action was taken. If any executive officer of the 'post,' acting without your instructions, has been guilty of this breach of orders, you will at once place him in arrest, and report the facts to this office. Immediate action is desired.

"I remain, major, very respectfully, your obedient servant,

"SHELDON STURGEON,

"Captain First Infantry U. S. A., Sup't Vct. Rec't'g Service.

"Major R. H. PERRY,

"Commanding Gen'l Dep't Rec't'g Service."

Which was received in evidence by the court.

The accused also offered in evidence the receipt dated November 25, 1864, proved in the testimony of Captain Borries, written in pencil, and in the words and figures following:

"NEW ORLEANS, November 25, 1864.

"Received of Major R. H. Perry, one sorrel horse, branded U. S., (a government horse,) for which I will give him proper receipts when I obtain the blank forms for that purpose.

"H. BORRIES,

"Cap. A, 2 Ill. Lt. Art'y."

Which was received in evidence by the court.

Private C. A. WATRON, Third Rhode Island cavalry, witness for defense, sworn and examined

By ACCUSED:

Question. What is your name, age, and rank; on what duty were you in November and December last, and on what duty now; do you know Major Perry, and how long have you known him?—Answer. Christopher A. Watron; I am twenty years of age; I am private, Company A, Third Rhode Island cavalry; I was clerk at the Alabama Press; I am still there as clerk; I know the accused; I have known him since the 24th of October last.

Q. Do you remember twelve mules brought into the Alabama Press about December 1, with wagons and harness? If yes, did you go to see Captain Borries in regard to getting them? For what purpose were they got, and how were they used; and what became of them when Major Perry was arrested?—A. I remember the twelve mules referred to; I carried two letters to him from the accused; I do not know what the letters were about; I do not know whether I went to see about the mules or not; Captain Borries was not there either time. At the time the accused gave me the letters he told me to give them to Captain Borries in person; they were both sealed. The accused at the same time told me he was going to get some mules to haul sawdust with. The mules were only used once, and then they went and got sawdust. After the accused was arrested they remained there a week or so, and were then turned over to Captain Chittenden.

Q. Do you know any reason why Major Perry still kept the twelve mules after the hauling of the sawdust was completed? If yes, state it.—A. I heard him say there was some trouble about them, and he was going to keep them till it was settled; this was two or three days after hauling the sawdust.

By JUDGE ADVOCATE:

Q. In case you did not find Captain Borries to give the letters to him, what did the accused tell you to do with them?—A. He did not tell me the first time, so I left it with the second lieutenant; the last time he told me to bring it back, and I did so, and I gave it to the accused. He said nothing.

By ACCUSED:

Q. Do you remember when detective Fitzpatrick came up to the press? If yes, did he visit the stables, and were the twelve mules then there, and in what part of the press?—A. I remember his coming there; he visited the stables. I think the twelve mules were there then; it was the same day they went after the sawdust. The mules were, I think, at the time under the shed, all harnessed up and ready to go after the sawdust.

Q. What was Major Perry doing that day, and was he or not busy?—A. He was there to sign the rolls to muster; he was busy till about 10 o'clock. They started after the sawdust about 12 o'clock. Staples was with the team. The teams were gone about an hour and a half after the dust.

Q. What, if anything, did Major Perry say to Fitzpatrick in your hearing?—A. Only that he would show him about the stables and about the yard when they got through. He was going down town, and offered to take him down with him. He did not accept the offer; I did not hear him give any reason for not doing it. This was the last part of their conversation. They had been talking one side, and I did not hear what was said till this.

The court and parties having no further questions to ask, the witness was dismissed.

Private THOMAS TRACY, First Louisiana cavalry, a witness for defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and rank? Where were you on duty in November and December last, and where now? What was your duty in November last?—Answer. Thomas Tracy. I am private First Louisiana cavalry. I was in the Alabama Press. I am still there. I was tending the stalls in November last. I know the accused; have known him two or three months since he was commanding the press.

Q. Do you know Mr. Staples and Captain Borries? Did you, about 25th November last, hear any conversation between Staples and Borries respecting mules? If yes, state particularly what was said and the order of the conversation.—A. I know both Mr. Staples and Captain Borries. On about that time I did hear conversation between them respecting mules. What I heard—I was sitting on the feed-box, and Mr. Staples said, "Well, captain, how is it about the mules?" The captain replied, "Just as I said." Mr. Staples rode away saying, "All right." Mr. Staples spoke about the six mules. Mr. Staples said as he was going away not to let Major Perry know anything about it. I did not hear the captain make any reply to this. I believe he shook his head, or something. I do not know what he meant by it.

Q. Was anything said between Staples and Captain Borries at this time as to any sum of money which Borries was to receive from Staples for these six mules?—A. When I heard Staples ask the captain, "How is it about the mules?" and Borries replied, "Just as I said;" then Staples got on his horse and rode off, and said, "All right." I did not hear anything said about any money.

Q. Do you remember anything about the twelve mules that came into the Alabama Press about 1st December? If so, were they there when detective Fitzpatrick came up to the press?—A. I remember about the twelve mules. They were there at the time, under the shed by the sutler's store.

Q. Did you hear Major Perry say anything to Fitzpatrick about where a roan horse was? If yes, where did Major Perry tell him the roan horse was?—A. He told him it was down at Rogers's stables, sir. I was hitching up the horse at the stables, and the accused told Fitzpatrick that he could ride down with him either to the provost marshal's or to Rogers's stables.

Q. How long did Fitzpatrick stay after Major Perry went away, and what did he do? Did you call his attention to the twelve mules?—A. He staid ten or fifteen minutes after. He came to me, brought me over to one of the stalls, and began to talk to me about the horses in the stable. Here he asked me if I knew who he was. I told him no; and he told me he was a special detective, and wanted to know if I could swear, in case he took me a prisoner out of the press, to what I had just told him. I told him I could. I told him where the twelve mules were.

Q. Do you remember being short of forage in the latter part of November? If yes, how was the deficiency supplied?—A. Yes, sir; we were short. A fellow came in with a bale and a half of hay and five or six bags of oats, and said the major sent him. I do not know who the man was. I think he was a citizen. He had citizen's clothes on. It looked like one of these city carts. I do not know that the forage came from the major.

The counsel for accused here stated that he would necessarily be busy before another court

to-morrow; that if the court would adjourn over till Saturday he would endeavor to take the rest of the testimony for accused and submit his written defense that day; that he would do this if he did not apply to the court for still further time in order to take the deposition of one Staples.

The court, therefore, at 3 o'clock p. m., adjourned, to meet again at 10 o'clock a. m. on Saturday, the 21st instant.

NEW ORLEANS, LOUISIANA,
January 21, 1865—10 o'clock a. m.

The court met pursuant to adjournment and above orders. Present, the same members as on Thursday, the 19th instant, the judge advocate, and accused and his counsel.

Examination of Private THOMAS TRACY, First Louisiana cavalry, resumed.

By ACCUSED:

Q. Do you remember the sorrel horse which accused transferred to Captain Borries about November 25; if yes, what can you say of its value as compared with the roan horse which Major Perry received from Captain Borries?—A. I am no great judge of the value of a horse. I think it was a better horse than the one it was traded for. I think the roan horse was the better horse of the two.

Q. Do you know if the sorrel horse was a blooded horse?—A. I do not know whether he was blooded or not.

By JUDGE ADVOCATE:

Q. Did you ever hear more than one conversation between Staples and Captain Borries? If not, how long was this before the accused was arrested?—A. I never heard but the one. This was four or five or six days before the accused was arrested. It occurred in the stables at the Alabama Press. Staples was getting his horse out. The captain was standing talking. I do not know what he was there for. I saw them coming into the stable together. Staples says, "Captain, how is it about the mules?" The captain replied, "Just as I said." Staples said, "All right." This is all the conversation I heard between them in regard to the mules. I am sure he said something about mules; I am not sure he said anything about six mules. I do not know why it came into our heads that the mules were coming to the press, but we thought so. George, the colored man, was also present at this conversation.

Q. Where was it that you heard the conversation between the accused and the detective, Fitzpatrick?—A. I heard them as they came in the stable at the Alabama Press. The detective asked me where the roan horse was. I told him I thought it went down to the doctor's—down at Rogers's stable. I heard Major Perry tell detective that the horse was down at Mr. Rogers's stable.

Q. Do you not know that the horse was never at Mr. Rogers's stable, and that Mr. Rogers does not keep a stable for sick horses?—A. No, sir; I do not. This was a few days before the accused was arrested. I did not hear anything said about the horse being in Siner's stables. I am sure that I heard Staples say that we must not let the major know anything about the mules.

The court and parties having no further questions to ask, the witness was dismissed.

Captain O. P. GOODING, Tenth United States Infantry, a witness for defense, sworn, and examined.

By ACCUSED:

Question. Please state your name, age, what was your rank and command during the Red River campaign. Do you know the accused, and how long?—Answer. Captain Oliver P. Gooding, Tenth United States Infantry. I was colonel of the Thirty-first Massachusetts volunteers, and in command of the Fifth cavalry brigade during the Red River campaign. I know the accused; have known him since the latter part of February and first of last March.

Q. What position did the accused have on your staff during that campaign; and what can you say in regard to his conduct as an officer in the field?—A. He was acting aide-de-camp. I can say that as an officer in the field his conduct is that of an excellent officer. He exhibited on several occasions a great deal of gallantry, and also a great deal of prudence and sagacity as an officer. Whenever I had occasion to send any officer on special duty I usually selected Major Perry. If at any time I felt doubtful that my orders would be carried out by my subordinates, I usually sent Major Perry along to see that they were carried out. I saw Major Perry during the campaign in every circumstance calculated to try an officer or his ability. I never found him wanting. Major Perry was relieved from duty on my staff, and was placed on the staff of General Arnold, division commander, on account of his reputation as an officer in the field, and against my earnest protest.

The court and parties having no further questions to ask, the witness was dismissed.

PATRICK MCGWIN, witness for the defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and business?—Answer. Patrick McGwin; I will be fifty-seven years old come another month; I am a blacksmith; I know the accused by sight; I have known him by sight about eighteen months; I do not know his name.

Q. In November last did you have a shop near the Alabama Press? If yes, describe its location. What do you know of Major Perry hiring the rear of your shop, and for what purpose; what did he say, if anything, to you on the subject?—A. I did have a shop near the Alabama Press. It was on Religious street, between Orange and Richard streets. The accused came to me one time and told me he had some wood to put in the back part, and other little luggage to put in the back part. I told him he could have it. He asked me what I would charge him. I told him, as the shop was doing nothing, he could have it just for what he had a mind to pay me.

Q. Did Major Perry store anything in your shop; if so, what?—A. I believe I saw some old wood there; nothing else.

Q. Do you remember any forage, hay, or corn being in the rear of your shop; if yes, where did that come from?—A. I did see a little taste of corn and hay there one day, but I did not know who left it.

Q. Why were you not oftener at your shop?—A. Before hours and after hours I sometimes did a job in my shop. I was working for the government at other shops.

By JUDGE ADVOCATE:

Q. State when it was that the accused hired your shop.—A. It must have been in November or December; government occupies my shop now and began to occupy it in November or December.

Q. Who rented it for the government?—A. It was not the accused; the accused had had the shop three or four weeks before the government began to occupy it.

Q. Did you not see mules there frequently when it was occupied by the accused?—A. The way it was, there used to come there horses and mules in the morning for me to shoe; this was all that ever I saw there. The forage that was there was only a little lot left by the men who brought the mules. I do not know whether the accused ever brought the old wood I saw there, or not; I took the wood myself and burned it all up at the house, and never paid any one for it.

Q. Did not you one morning, as you were going to your work, look in through the cracks of the door and see three mules there, and when the doors were all closed; and were there not two or three men there, and did not one of these men have a hot iron with which he was burning and branding the mules?—I saw two mules there, but I have heard where they were since. I never saw mules being branded or burned there.

The court and parties having no further questions to ask, the witness was dismissed.

GEORGE MITCHELL, (colored,) witness for defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and business; what were you doing in November last; do you know Major Perry?—Answer. George Mitchell; I am fifty-three years of age; I am waiting on the quartermaster at the Alabama Press; I was working for the accused in November last; I have known the accused since the first of October last; I was taking care of the horses in the stable.

Q. Do you know Mr. Staples and Captain Borries; were you present at the stable of the Alabama Press in the latter part of November last, when a conversation took place in regard to some mules; if so, what was said?—A. I know Mr. Staples; I know a Captain Borries, a short, thick-set man; only a few words; as I came up to him he motioned to me to come up to him. Mr. Staples said, "Well, Captain, what do say about those mules?" The other man replied—a Mr. Burris—"I thought that you can have the six mules at the price I told you." Then Mr. Staples started to speak again and said, "Well, I ——" and then stopped and told me to saddle the horse. This is all that I heard; they were talking when I went up, and I left them talking.

Q. Did Staples or Burris (as you call him) say anything that you heard in regard to Major Perry; if yes, what?—A. Not a word.

By JUDGE ADVOCATE:

Q. How long was this before the accused was arrested?—A. It was ten days, or perhaps two weeks, before the detective came after me. I do not know when the accused was arrested.

Q. Why did you anticipate that those mules that they were talking about were going to come to the Alabama Press?—A. I was doing business for Major Perry and Mr. Staples; I was waiting upon him, too, and I expected, if he bought the mules that he would bring them there to the Alabama Press. I know they were not brought there. I do not know what did become of them. I had nothing to do in taking them off. Staples told me one time that he had traded them off.

By ACCUSED :

Q. What two teams do you mean of which you spoke to Mr. Staples?—A. There were two teams of mules there in the press at the time I spoke to him ; this was some two weeks after I had heard the first conversation.

Q. Were the twelve mules there when the detective came up to the press, and did he see them?—A. At the time he took me he did not, because he did not come in. I do not know that the mules were there when he came the next time.

The court and parties having no further questions to ask, the witness was dismissed.

CHARLES CARANAC, citizen, witness for defense, sworn and examined.

By ACCUSED :

Question. What is your name, age, occupation, and place of residence ; do you know the accused, and how long have you known him ; do you know Captain Borries ; were you present at a conversation between Major Perry and Captain Borries lately, in which mention was made of a roan horse and six mules ; if yes, where and when did such conversation take place, and what was said?—Answer. Charles Caranac ; I am twenty-seven years of age ; I live at No. 8 Roman street, in this city. I know the accused ; I have known him since the 11th of December, 1864. I know Captain Borries ; I was present at such a conversation between those parties ; this conversation took place about four weeks ago, in the military prison. Talking about the roan horse, Captain Borries stated in my presence, and in presence of Major Perry, that the roan horse he let Major Perry have was his own private property, and told Major Perry so at the time he let him have it ; this was all that was said about the roan horse. The captain also said that he let Major Perry have twelve mules, and they accused him of having sixteen. He stated that a man by the name of Staples got six mules, and that Major Perry had nothing to do with them. He stated the same thing to me several times since, not in the presence of Major Perry. This is all about the mules.

By JUDGE ADVOCATE :

Q. State whether any other person was present besides those you named.—A. A gentleman by the name of Mr. Harris.

Q. State whether the conversation between the accused and Captain Borries was not conducted by the accused asking the captain questions—if the roan horse was not so and so, and if he did not say so and so.—A. It was ; and in the same manner with reference to the mules.

Q. And then did not the accused ask you to be present and hear those words of Captain Borries ; and after you heard them, did he not tell you that you might be called upon to testify about them?—A. I do not remember that he asked me to be present, though he may have done so ; but he immediately after wished me to remember what was said.

Q. State whether you have ever talked with the accused since. What was said at that time?—A. I think never, except immediately afterward.

Q. Are you not now a prisoner in the military jail?—A. I am.

Q. What are the charges against you?—A. Aiding and abetting the enemy. My trial was just completed to-day.

The court and parties having no further questions to ask, the witness was dismissed.

W. W. HOWE, Esq., counsel for accused, witness for defense, sworn and examined.

By JUDGE ADVOCATE :

Question. State your name, age, present occupation, and place of residence.—Answer. William W. Howe ; I am thirty-one years of age ; I am a lawyer ; I live in New Orleans.

Q. Please look at the letters now shown you, dated June 14 and August 30, 1864, and say if you knew Brigadier General Richard Arnold, and if you have ever seen him write, and are familiar with his handwriting.—A. I have known Brigadier General Richard Arnold for upward of one year. I have seen him write, and am familiar with his handwriting, and the letters now shown me are, to the best of my belief, signed by him. I also have known General Banks for upward of one year. I have often seen him write, and am acquainted with his handwriting, and that the signature to the letter dated August 31, 1864, is undoubtedly his signature.

The court and parties having no further questions to ask, the witness was dismissed.

The defense then offered in evidence the letters referred to in testimony of last witness ; one signed by Brigadier General Arnold, dated August 30, 1864 ; one was signed by Major General Banks, and dated August 31, 1864 ; and the third signed by Brigadier General Arnold, and dated June 14, 1864 ; all as evidence of good character.

The judge advocate objected to the same being received as evidence, for the reason that the statements in them are not made under the obligation of an oath, neither are they in any manner official reports or documents, but simply private, individual, *ex parte* statements, and referred to Benét, p. 286.

The accused replies that these letters are a "public approval by superior officers" of the

conduct of the accused during a most severe campaign; they are official; the presumption is that they are of record at department headquarters.

The court was then cleared, and after mature deliberation the doors were opened. The accused and his counsel present. The decision of the court was announced by the judge advocate that the objection be sustained, and the letters be not received.

The court then, at 3 o'clock p. m., adjourned to meet again at 10 o'clock a. m. on Monday, the 23d instant.

NEW ORLEANS, LA., January 23, 1865—10 o'clock a. m.

The court met pursuant to adjournment and above orders.

Present: The same members as on Saturday, the 21st instant, the judge advocate and the accused and his counsel.

F. R. LOOMIS, citizen, witness for defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and occupation; do you know the accused, and how long; do you know Mr. Staples, who was here last fall; did you ever hear Mr. Staples say anything of buying mules; if so, what did he say, and under what circumstances?—Answer. I am twenty-seven years of age; I am trading in stock; I know the accused; have known him above a year; I know Mr. Staples.

(The judge advocate objects to the remainder of this question as inquiring into declarations and statements which are no part of the *res gestæ*, but an after-statement of what had occurred, and referred to Benét, pages 289 *et. seq.*)

The accused offers to show by the testimony of the witness that Staples stated to the witness, in or about the month of November last, that he (Staples) had been buying mules from Captain Borries, and had made considerable money thereby.

The court was then cleared, and after mature deliberation the doors were opened, the accused and his counsel present. The decision of the court was announced by the judge advocate that the objection be sustained, and that the testimony offered be not received.

The court and parties having no further questions to ask, the witness was dismissed.

Dr. JOSEPH ELLIOTT, citizen, a witness for defense, sworn and examined.

By ACCUSED:

Question. What is your name, age, and occupation; do you know Major Perry, the accused; if yes, how long; do you know a sorrel horse in possession of the accused in October or November last; if so, describe him and his value?—Answer. Joseph Elliott; I am forty-nine years old; I am a veterinary surgeon and trader in horses; I know the accused; I know the sorrel horse referred to; he was a sorrel blooded horse, of Le Compte blood; he was fifteen hands to fifteen hands and an inch high; about five or six years old; his real value before he was branded and taken here I believed to be from six hundred to eight hundred dollars; he was once sold for six hundred dollars; this was before he was branded; I know all about the horse. This horse was taken at the time of the seizure of horses last summer and branded, and was used as a government horse from that time on; at first by an officer on General Banks's staff, and afterward by the accused. He was delivered to the accused on order from the assistant quartermaster.

Q. Do you remember a roan horse which Major Perry had in his possession in November last; what was his value as compared with the sorrel?—A. I remember the roan horse referred to; he was worth about the government price—\$160 or \$170—about what the government gave for him.

By JUDGE ADVOCATE:

Q. Do you know that at the time the accused parted with the sorrel horse, the horse was very much reduced in flesh, and had been severely used, and was either permanently or temporarily injured?—A. The horse was very much reduced in flesh. The accused complained to me of him, that the horse was of no account, and could not stand his work; was of no account for him. The horse was out of fix and unwell at the time he parted with him.

By ACCUSED:

Q. Was the sorrel horse permanently injured, so as to deprive him of his special value as a blooded colt, when Major Perry parted with him?—A. I think not. I think he was out of fix, but would come all right again. Blooded horses are more delicate than others.

The court and parties having no further questions to ask, the witness was dismissed.

The accused then offered in evidence an invoice dated October 10, 1864, and signed by Captain Chittenden, in the words and figures following:

"List of quartermaster stores, &c., transferred by Captain C. B. Chittenden, assistant quartermaster United States volunteers, to Raymond H. Perry, Third Rhode Island cavalry, major, at New Orleans, Louisiana, October 10, 1864.

	Number or quality.	Articles.	Cost when new.		Condition when delivered.
			Dollars.	Cents.	
1	One sorrel horse.....				

"I certify that I have this day transferred to Major R. H. Perry, Third Rhode Island cavalry, at New Orleans, Louisiana, the article specified in the foregoing list.

"C. B. CHITTENDEN,

"Captain, Assistant Quartermaster United States Volunteers."

Which was received in evidence by the court.

It is admitted by the judge advocate that the twelve mules mentioned in the charges and specifications were at the Alabama Press at the time of the arrest of accused, and were thereafter turned over to the Quartermaster's Department.

The accused offered no further testimony.

The accused then presented his written address, (appended and marked "A,") which was read by his counsel in his defense.

The judge advocate submitted the case to the court without remark.

The court was then cleared for deliberation and the judge advocate proceeded to read to the court the records of the proceedings in this case.

The court then, at three o'clock p. m., adjourned to meet again at ten o'clock a. m., tomorrow, the 24th instant.

NEW ORLEANS, LA., January 24, 1865—10 o'clock, a. m.

The court met pursuant to adjournment and above orders.

Present: the same members as yesterday, and the judge advocate. The consideration of the case of Major Raymond H. Perry, Third Rhode Island cavalry, resumed.

The court was again cleared for deliberation, and, having maturely considered the evidence adduced, find the accused, Major Raymond H. Perry, Third Rhode Island cavalry, as follows:

Of first specification, first charge, "guilty."

Of second specification, first charge, "guilty," except the words "sell and."

Of third specification, first charge, "guilty," except the words "sell and."

Of first charge, "guilty."

Of specification, second charge, "guilty."

Of second charge, "guilty."

Of specification, third charge, "guilty," except so much of the specification as charges an intention on the part of the accused to wrongfully sell and dispose of the twelve mules received by him November 30, 1864.

Of third charge, "guilty."

The court does therefore sentence him, Major Raymond H. Perry, Third Rhode Island cavalry, to be dishonorably dismissed the service of the United States, and to forfeit to the government all pay and allowances now due him or to become due.

W. C. HOLBROOK,

Colonel Seventh Vermont Veteran Volunteers, President of the Court.

O. F. AVERY,

Captain Thirty-eighth Iowa Infantry, and Judge Advocate of General Court-Martial.

L. R. 849—65.]

HEADQUARTERS DEFENSES NEW ORLEANS,

February 9, 1865.

Approved, and respectfully forwarded to headquarters Department Gulf.

T. W. SHERMAN,

Brigadier General Commanding.

HEADQUARTERS DEPARTMENT OF THE GULF,

New Orleans, July 16, 1865.

The proceedings, findings, and sentence in the foregoing case are approved.

Major Raymond H. Perry, Third Rhode Island cavalry, ceases to be an officer in the service of the United States from this date.

ED. R. S. CANBY,

Major General, Commanding.

A.

UNITED STATES *vs.* R. H. PERRY.*Address of the accused.*

The case which is sought to be established against me may be divided into four heads:

First. In the matter of the roan horse. At the request of Captain Borries, I transferred to him a blooded sorrel horse, which had been seized by the government in New Orleans, and which was plainly branded. I took the memorandum receipt for him, which is now in evidence.

This sorrel horse was of great value and speed, as shown by the evidence of Dr. Elliott.

Some days after this transfer, Captain Borries presented to me the roan horse, saying that I need not hesitate to accept it, as it was his own private horse, which he had a right to sell or give away. This is my understanding of the case, and it is fully confirmed by the testimony of Harris and Cavanac as to the same statements being made by Borries before this trial.

I gave no receipt to Borries for the roan horse, not even a pencil memorandum.

As a matter of law, this furnishes a fair presumption that the roan horse was either sold or given to me by Borries, and that there was between us no such exchange of government property as is sought to be established by the prosecution.

I did not know the roan horse to be a government horse. Captain Borries testifies that he did not tell me it was a government horse. Harris and Cavanac testify as to his admission that he had told me it was a private horse at the time he gave it to me.

Whatever I did, then, was done in ignorance, and cannot be considered as establishing a crime on my part.

Second. As to the six mules. The evidence establishes clearly enough a sale of six mules by Borries to Staples, but it fails to connect me with the act.

And here I beg to ask the attention of the court to that undoubted presumption of innocence which attaches to every accused person.

The detective who worked up this case was obliged, as every detective is, to begin by a theory that I was guilty, and then furnish such evidence as he could to support the theory. This is the manner in which all prosecutions must originate; otherwise a criminal trial could never begin.

But when the case comes before the court the mental process by which the evidence is examined is exactly the reverse.

The court begins by saying: "Here is an officer who furnishes evidence of long service and of good conduct in the field. He is innocent, so far as we know, of any crime. He is accused of one of the basest crimes—of knowingly and willfully selling government property for his own private emolument. Does the evidence bear down and destroy this presumption of innocence. Is it our evident duty to declare this officer a felon?"

Now, I submit that from this standpoint the evidence is totally insufficient. The same evidence as skillfully used might have been employed against Corporal Barnaby, if the detective who began this case had chosen to put forward a theory that Barnaby was guilty; or against Lieutenant Campbell, who was present, as he says, when Borries delivered the mules to Staples; or against any other officer or soldier in the neighborhood who was acquainted with Staples and Borries.

The judge advocate has introduced, under my objection, much circumstantial evidence to establish the conspiracy alleged in the charges. He has done so on the theory that such evidence is relevant. I doubt the correctness of his theory as to much of the evidence. I think the conspiracy should be proved before the court are called upon to take any cognizance of the declarations of Staples or Borries. But whether I am right or wrong in this, one thing is certain, that circumstantial evidence, though, like fire, useful, is also like fire, dangerous. History is full of examples in which innocent men have lost their lives by the use of such evidence against them. Fiction and the drama have depicted some of their most exciting and pathetic scenes with innocence struggling in the net of circumstance as the central figure. And in all these cases you will find a sad similarity, a theory that the accused is *guilty*, and then an array of circumstances which may support, or at least strengthen, a theory of *guilt*, at the same time that they could never weigh down a presumption of innocence.

The fact is that Mr. Staples has been an acquaintance of mine from childhood. He came to New Orleans last fall to go in business; but finding trade much restricted, he waited here some time with nothing to do. He passed much of this leisure time with me, visiting at my office, riding, and driving with me. When I was very busy, and he was very idle, I did not hesitate to ask him to assist me, and in this way the idea may have obtained credence about the press that he had some business connection with me. Nothing, however, could be further from the truth than this idea. The testimony of Tracy shows clearly that, when Staples and Borries were bargaining for the six mules, they agreed to keep the matter a secret from me, while Captain Borries testifies directly that there was no agreement or conspiracy in respect to those six mules between himself, myself, and Staples.

Third. As to the "Henderson mule" and the twelve mules, the evidence shows nothing

but that in the former instance I exchanged a skittish, vicious United States mule for a larger and in some respects better United States mule. Such exchanges are common and harmless. And in the latter instance I borrowed two teams from Captain Borries, who had a great surplus, to draw sawdust for the depot of which I was in command. Such transactions are common and useful, and I am at a loss to know how this could have been the basis of a serious charge.

I reiterate my assertion of innocence of all the charges, and ask the court to acquit me.

RAYMOND H. PERRY,
Major Third Rhode Island Cavalry.

ROOMS OF GENERAL COURT-MARTIAL,
New Orleans, La., January 25, 1865.

SIR: At request of accused, I have consented to attach to this record copies of four letters, marked B, C, D, and E. The originals of the first three were offered in evidence, but rejected by the court; the fourth, marked E, is only the copy of a copy, the original not being now in possession of accused. These, of course, are no part of the records of the court, and were not before it.

Very respectfully, your obedient servant,

O. F. AVERY,
Captain and Judge Advocate of General Court-martial.

Captain FREDERIC SPEED,
A. A. General, Defenses New Orleans.

B.

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 31, 1864.

CAPTAIN: I take pleasure in bearing testimony to the invariable good conduct, both in camp and field, which you have shown since you have been in my command.

I have always found you prompt and energetic in the discharge of whatever duties have been assigned you, as also gentlemanly and courteous in your personal bearing.

I have the honor to be, very respectfully, your obedient servant,

N. P. BANKS,
Major General, Commanding.

Captain RAYMOND H. PERRY,
Third Rhode Island Cavalry.

A true copy:

O. F. AVERY,
Captain and Judge Advocate.

C.

HEADQUARTERS CAVALRY DIVISION, DEPARTMENT OF THE GULF,
New Orleans, Louisiana, June 14, 1864.

CAPTAIN: I find that there is not enough out-door service required now at headquarters to employ much of your time, and your regiment certainly requires you.

Let me thank you for your faithful discharge of duty in inclosing you the order returning you to the regiment.

Respectfully,

RICHARD ARNOLD,
Brigadier General, Chief of Cavalry.

Captain R. H. PERRY,
Third Rhode Island Cavalry.

A true copy:

O. F. AVERY,
Captain and Judge Advocate.

D.

OFFICE CHIEF OF ARTILLERY,
HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, August 30, 1864.

SIR: Reports having been circulated in Rhode Island, by evil-disposed persons, with a view of injuring your character as a gentleman and impairing the confidence of the execu-

tive of State, it affords me pleasure to bear testimony to your invaluable and highly creditable service during the Red River campaign, both in your regiment and on my staff. I have also met you from time to time in this city, and I have yet to know of anything to your discredit as a gentleman and officer.

Very respectfully, your most obedient,

RICHARD ARNOLD,
Brigadier General U. S. Volunteers.

Captain RAYMOND H. PERRY,
Third Rhode Island Cavalry.

A true copy

O. K. AVERY,
Captain and Judge Advocate.

E.

CAMP NEAR YORKTOWN, VIRGINIA,
April 29, 1862.

SIR: I have the honor to present for your consideration the name of Raymond H. Perry, first lieutenant in the Rhode Island artillery, for an appointment in the regular army.

Lieutenant Perry has been in the service for nearly a year, the last four months under my immediate command, and I can cheerfully bear testimony to the great zeal and activity which he has exhibited in the discharge of his duties. I would add that his age, physique, and good habits eminently fit him for the position he asks.

I have the honor to be, with much respect, your obedient servant,

JOHN SEDGWICK,
Brigadier General Volunteers, Commanding Division.

Hon. E. M. STANTON,
Secretary of War, Washington, D. C.

A true copy:

O. F. AVERY,
Captain and Judge Advocate.

RAYMOND H. PERRY's examination resumed.

By Mr. SCHURZ:

Question. Have you anything to say in regard to the matters brought to our notice with reference to you by Senator Warner?—Answer. General Burnside and General McClellan knew all about the last matter, and General John Sedgwick and some of the others have letters now on file in the War Department recommending me for a position in the regular army. I shot a man—Lieutenant Kelley, of the Sixty-ninth New York infantry. He made an attempt to draw a pistol on me, and called me a bad name. I drew my pistol on him and shot him.

By Mr. WARNER:

Q. Did you kill him?—A. He died. I was tried for it at Harper's Ferry, by General Howard, General Gorman, and General Kemble, and I was honorably acquitted. As to the other matter, I slapped the face of the captain of the battery who made that strong indorsement for my discharge, and that is the reason he wanted me discharged. General John Sedgwick, General Burnside, and all of them begged me not to resign, and I have Burnside's letters now giving my history in the army.

By Mr. HOWARD:

Q. Who was the captain whose face you slapped?—A. Captain Hazzard, of the Rhode Island battery.

Q. Was he your superior officer?—A. Yes, sir.

By Mr. SCHURZ:

Q. You say that General Sedgwick recommended you for the regular army in a strong letter during the peninsular campaign?—A. Yes, sir.

By the CHAIRMAN:

Q. Was that before or after you slapped the officer in the face?—A. It was before; but when I shot Lieutenant Kelley, General Sedgwick told me it was the best thing I had ever done under the circumstances, when he knew them, and I was acquitted in half an hour.

By Mr. HOWARD:

Q. Did you ever shoot a man in time of peace?—A. You must remember that I have been

in a pretty rough country. I have been in Mexico and on the frontiers of Texas. I never shot any one except in self-defense.

Q. Were you ever on board of a steamer when you shot several men?—A. I shot two men on Riker's Island who mutinied and refused to go on board the vessel.

Q. Where is that island?—A. In the East River, near New York. I had orders to put those men on board the steamer Mississippi, and they refused to go unless they got their flushing bounty money, as they called it. My orders were to put them on board. They barricaded themselves in the barracks. I got my saber and pistol and drove them on board the steamer.

By the CHAIRMAN :

Q. Did you kill them?—A. They were wounded.

By Mr. HOWARD :

Q. Did you not shoot three?—A. No, sir.

By Mr. SCHURZ :

Q. Was it a case of mutiny?—A. Yes, sir.

By Mr. HOWARD :

Q. Where did the shooting take place, on land?—A. On land, at Riker's Island.

By the CHAIRMAN :

Q. Besides those you killed, did you cut any others with your saber?—A. Yes, sir.

Q. How many?—A. About a dozen.

By Mr. SCHURZ :

Q. On the same occasion?—A. Yes, sir.

By Mr. HOWARD :

Q. Was not the number eighteen or twenty?—A. Well, Dr. Skelton, who attended to the men, told me there were eighteen or twenty.

Q. Were you tried for that?—A. No, sir; my action was approved. When I first went into the barracks on that occasion, one of the men struck at me with an ax, and if it had not been for a lieutenant who was there he would have killed me. That lieutenant caught the blow with a big stick he had in his hand. The man was in a bunk over the door as I went in, and struck at me with an ax.

Q. Were they armed or unarmed?—A. They had stones, sticks, and axes.

Q. But no fire-arms?—A. I believe not.

Q. (Producing a paper.) Is that your writing?—A. Yes, sir.

Q. A memorandum made by you, I suppose?—A. Yes, sir.

Q. In this pencil writing it is said, "Ordered to put men on steamer Mississippi; revolt; shot three men." Is it not three?—A. I do not go back on it. I would shoot them again, under the same circumstances.

Q. It proceeds: "Shot three men; cut some eighteen or twenty; put men on board steamer; quelled an attempt at mutiny on board." How did you come to make out this paper?—A. I was requested one day to make a memorandum of my life, and I wrote that; and I do not go back on any of it.

Q. The pencil writing is difficult for me to read; will you please read the memorandum?—A. Shot three men, cut some eighteen or twenty, which Doctor Skelton testified. Put men on board; quelled several attempts at mutiny on board; arrested at New Orleans on charges of the crew and others on steamer; honorably discharged by Judge Peabody. Captain certified I had done my duty."

Q. When did this occur?—A. In 1864. There had been several attempts of the men to get off the island. They were sent there as fast as they were recruited in New York City—the refuse from Greenwich and Water streets, &c., a pretty rough set of fellows.

Q. Will you go on reading the memorandum?—A. "Commanded cavalry at Bonnie Carrie, 1863; inspector of cavalry and artillery horses with Colonel Wilson; commanding headquarters for recruits. Red River campaign, on staff Colonel Gooding, commanding fifth brigade, picket officer also; General Richard Arnold at Alexandria; chief of cavalry outposts. In 1865, October, went to Texas; from there to Mexico; volunteer aid to Louis Faras, Governor of Chihuahua."

By the CHAIRMAN :

Q. Was that in the Mexican army?—A. Yes, sir; I volunteered at the time they took Chihuahua from the French.

By Mr. HOWARD :

Q. Go on with the paper?—A. "Chihuahua, 21st March, 1866, rode alone from Chihuahua to Monterey, through Monte Clare, then to Brownsville; took part in many fights against Maximilian's troops. Came to New Orleans on special duty; with Sheridan from 1862 to

1865, 1867, part of 1868. In Kansas, Indian scout. With General J. J. Reynolds, Galveston, chief of police force for Texas."

By Mr. SCHURZ :

Q. To whom did you give that paper?—A. To Ben: Perley Poore. One day he said to me: "Perry, you seem to be attracting a good deal of attention just now and everybody is asking, 'Why, who is this fellow Perry; I would like to know something about him.'" I said to him, "I can give you a history that will be pretty rough; my life has been a pretty rough one," and I sat down and made that little memorandum for him.

By the CHAIRMAN :

Q. While you were in San Domingo did you strike any person in court?—A. No, sir; the court had adjourned; the people were going out. I was speaking to a man. I had my interpreter there and spoke to the man pleasantly two or three times, but he would not pay any attention; and then I slapped him in the face with the back of my hand, not with my fist.

Q. How long before you left San Domingo was that?—A. Four or five days; and it is the only thing they have against me while I was at San Domingo.

Q. Had you been attending the court?—A. I had been attending the court.

Q. Was it in the court-room?—A. It was in the court-room.

By Mr. SCHURZ :

Q. After the court had adjourned?—A. Yes, sir.

By the CHAIRMAN :

Q. Who was the man?—A. A man by the name of Bennett, who had been selling liquor to the sailors of the man-of-war's men and making a great deal of trouble there. The captain of the Tybee complained of him for selling liquor to the sailors on board his ship, and the captain stated to the court that he had instructed the officers if that man came on board ship to have him put him off; and the mate of the steamer did put him off, and in doing it he had used some force. This man came up to the governor's and made a charge against the mate of the steamer for the way he had been treated; and the day after that he also came up to my house and said that if he went on with the suit against this officer he would lose the trade of the vessel, and perhaps of all other American vessels, and he would like to withdraw his suit but they would not let him withdraw it. They told him that if he did not put the thing through and make this charge they would fine him and take the money from him.

By Mr. HOWARD :

Q. Did you become security for the defendant in that case where the man whom you slapped in the face was plaintiff?—A. I will tell you. The morning the steamer sailed for New York City, they attempted to arrest the mate. The ship was just ready to throw off her lines and go to sea. The captain said to me that if I would become responsible for the fine when the ship returned he would pay me. I told him, "Very well, I will become responsible for the fine; but when your ship returns you will have to be held responsible for it." That was the understanding. I did not become responsible for the man, but I held myself responsible for the money until the steamer came back on her return trip.

By Mr. VICKERS :

Q. Will you now produce the letters of the army officers, which you were before asked to produce?—A. Yes, sir; I have always been honorably discharged from all these complaints made against me.

By Mr. SCHURZ :

Q. Before those letters are read, I wish to repeat a question I have already put. Have you anything to say with regard to the charges before that court-martial?—A. Yes, sir.

Mr. HOWARD. Before he is asked in regard to that matter, I wish to make one observation. I regard the record of the court-martial as a conclusive record upon the party himself.

Mr. VICKERS. It is only produced here as collateral evidence.

Mr. HOWARD. Is it possible that you can contradict the record of a court?

Mr. SCHURZ. I do not see any reason why he should not be allowed to explain.

Mr. WILLIAMS. So far as I am concerned the witness shall have an opportunity to explain if he will only be brief.

The WITNESS. When I went to New Orleans I had an order to take three hundred men from Colonel Harry Robinson's regiment, who belonged to the Second Rhode Island cavalry, and consolidate them with the First regiment. Colonel Harry Robinson was about being mustered in as colonel of the regiment, and my taking these three hundred men from his regiment would take his position from him, so that he could not be mustered in as colonel. He went to General Banks several times and wanted to retain those men. I declared that I should have them, and I did get them, and he swore that he would get square with me; and when he was appointed provost marshal general at New Orleans, I got the track of his sending ships from New Orleans to

Matamoras with goods for the confederate army, and he was signing the papers that cleared the vessels. He knew that I had the inside track of him, as we call it. He heard something about Staples buying mules and my selling a horse to the captain of this battery, and he sent a detective around to get up charges against me, and this court-martial was the result; but I was honorably discharged, and ordered to report to General Lucas for active duty, and had an honorable resignation afterwards from General Sheridan, and these are the letters which I will now present:

"HEADQUARTERS FIFTH MILITARY DISTRICT,
"New Orleans, La., August 7, 1867.

"GENERAL: I take great pleasure in introducing Mr. Raymond H. Perry, the bearer of this letter. He has been employed by me as a special officer for some time. I have the highest esteem for his sobriety, honesty, and zeal, and am only willing to part with him from the belief that he may obtain a more advantageous situation. His services are almost indispensable to me, but I have advised him to accept the offer from Galveston.

"I am, general, very respectfully, your obedient servant,

"P. H. SHERIDAN,
"Major General United States Army.

"Brevet Major General CHARLES GRIFFIN,
"Commanding District of Texas, Galveston, Texas."

"STATE OF RHODE ISLAND, EXECUTIVE DEPARTMENT,
"Providence, February 11, 1868.

"MY DEAR GENERAL: Please allow me to present to you my friend, Major Raymond H. Perry, who was an efficient and gallant officer during the late war, and has since done excellent service in the fifth military district, under General Sheridan, to whom he is well known. He is the son of Hon. James D. W. Perry, of this State, one of my oldest and best friends.

"Any kindness shown him will be remembered.

"Yours, very truly,

"A. E. BURNSIDE.

"General U. S. GRANT,
"Commanding Armies United States."

"PROVIDENCE, October 13, 1869.

"SIR: Major Raymond H. Perry is an applicant for the place of marshal of the western district of Texas. Major Perry served through the war and has since been in the service under General Sheridan, whose recommendation he has. He acquired the reputation of a most gallant and fearless soldier. He is connected with some of our most respectable families. His father has been repeatedly a member of our general assembly, and he is a relative of the illustrious commodore whose name he bears. I take pleasure in commending him to your favorable consideration.

"Very respectfully, your obedient servant,

"H. B. ANTHONY.

"The PRESIDENT."

"HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
"Chicago, Illinois, October 7, 1869.

"SIR: The bearer, Major Raymond H. Perry, late of the volunteer army of the United States, desires the appointment of United States marshal for the western district of Texas. In case of an existing vacancy in said position I cordially recommend him for the place.

"Major Perry served with credit during the war, and during the years 1865, 1866, and 1867 was with me in the South. For some time he was chief of police at Galveston, Texas, having been appointed by the late General Charles Griffin. He is an active, energetic, and fearless man, and one that can be relied upon to do his duty.

"I am, sir, with great respect, your obedient servant,

"P. H. SHERIDAN,
"Lieutenant General.

"His Excellency the PRESIDENT OF THE UNITED STATES.
"Washington. D. C."

[Indorsed by President Grant.]

"Respectfully referred to the Attorney General for such recommendation as he deems proper. If there is a change to be made in the marshalship I think we can do no better than to take Major Perry.

"U. S. GRANT.

"OCTOBER 18, 1869."

By Mr. FERRY:

Q. Did you present these papers to the Attorney General?—A. I did.

Q. What was done upon the recommendation of General Sheridan and of the President, when you went to the Attorney General?—A. They had just made an appointment only three or four days before of United States marshal for Texas, and as they were about having an election in Texas for governor, it was not deemed desirable to make any changes there at that time, for political reasons.

Q. How soon afterward did you hear of any other appointment, or about your appointment to San Domingo?—A. Three days after this, I think, I stepped in at the Executive Mansion and saw General Dent, and he and I went to see the President; and the President told me to go down and report to the Secretary of State, and then he told me that they wanted me to go out to San Domingo as commercial agent, the same as consul. I told him it was not such a position as I liked, and not such a position as I was fitted for; that I wanted a more active position.

By Mr. HOWARD:

Q. You have talked with a great many persons respecting the treaty and the parties concerned in its negotiation since your return from San Domingo, have you not?—A. Yes, sir. If the committee please, I should like here to make one correction in my testimony. I stated that President Grant did not seem to like to hear me speak in relation to San Domingo, and I spoke of what occurred the second day I called there. I did not mean to have it inferred that the President did not want to hear anything in opposition to San Domingo; but I took it he either thought I had an exaggerated idea of it, or else was displeased to think there was anything against the parties who were connected with it. I do not mean to say that he wanted to avoid hearing anything, though some might draw the inference from what I said that it was to avoid hearing anything. I do not wish to say anything to reflect on any of the departments here. I merely want to do my duty in every way.

By Mr. VICKERS:

Q. In your letter of June 7 you say: "I have also had directions from several others." First you say, "I was also advised by Generals Babcock, Ingalls, Cazneau, Fabens, and others to write nothing personal, and always speak encouragingly in my communications." Then you add, "I have also had directions from several others what my correspondence should be to the Department of State at Washington, and have been requested to keep back facts in relation to the election and Cabral's party." Are there any other persons than those you have named that gave you such advice?—A. None but those I have named.

Q. You say further: "I told Babcock one day in my office in San Domingo, that I thought there was foul play somewhere, and told him I did not like the actions or propositions of Cazneau, Fabens, Baez, and others." What others did you allude to? Have you named them all, or are there any others that you desired to speak of?—A. None others.

Q. You say: "The night the Albany sailed with General Babcock for Samana from San Domingo, Fabens and Cazneau brought in a paper for lands at Samana; they wished me to certify to their signatures as correct." Mr. Fabens says there was no such paper, but that there was a power of attorney. What is your recollection about it?—A. It was not to sign as a power of attorney. I did not consider it so. I saw the paper here at the time. It was in connection with lands at Samana, and their names were mixed up with it. I saw the drift of it, not signing it.

Q. When you spoke, awhile ago, of not having represented the facts correctly to the State Department, did you mean the telegram about the election? Is that what you meant?—A. I meant that and other communications which I have written.

Q. Do you mean that you did not misstate any facts, but withheld some facts in consequence of an apprehension of losing your position there?—A. That was it.

Q. What influence did you apprehend there to your prejudice?—A. I apprehended that parties there, Baez, Cazneau, and all these gentlemen concerned in this annexation movement, if they saw I was in the way at all, would apply for my being relieved. I understood that.

Q. Have you ever seen an American tried there for any offense?—A. None except this mate of the steamer Tybee.

Q. He was an American?—A. Yes, sir.

Q. Did they allow him time and witnesses?—A. They allowed him time. That was the reason I went security for him the time the steamer left. They did not give him time that morning, and I went security for the fine until his return. They gave him time then.

Q. Ample time to prepare for his defense?—A. Yes, sir.

By the CHAIRMAN:

Q. How much?—A. They notified him two days before the steamer was to leave. He was arrested two days before, and he was notified the night before, and came up to court next morning.

By Mr. WILLIAMS:

Q. That was a civil tribunal?—A. Yes, sir.

By Mr. VICKERS:

Q. You never knew any American tried there by a court-martial?—A. No, sir.

Q. Your letter of 7th June, 1870, was to-day presented to you with some interlineations, and you stated that you did not know the handwriting in which they were made. You said that Mr. Smith was in your room?—A. Yes, sir.

Q. Explain the circumstances. Did he read this paper?—A. He read it.

Q. What were you employed in doing while he was there?—A. I was shaving at the glass, and I asked him to read it over to me while I was shaving that he might see the drift of it, and that I might see if there were any corrections I wanted to make. He read it to me, and he might at the time have added one or two words; I cannot say as to that, but there is not one word that I took advice from him in relation to.

Q. Was your back toward him?—A. My back was toward him. I was shaving at the glass while he was reading it.

By Mr. FERRY:

Q. It appears from the record that this committee was ordered on the 8th of June, and on the same day you have stated that you received your notice to appear before the committee from Senator Nye, the chairman, and that Senator Howard called on you. On the next day, the 9th of June, in the evening, you first testified as a witness?—A. Yes, sir.

Q. On the evening of Thursday, the 9th of June, did you testify in reply to a question of Mr. Howard, that you had made such a report, and that it was here in your pocket, and the committee could have it if they wished?—A. I said that in answer to Senator Williams.

Q. And Mr. Smith did not arrive until the next day, Friday?—A. That was the day.

Q. And on Saturday morning the paper was filed at the State Department?—A. Yes, sir.

Q. Where did you first see Mr. Smith on Friday?—A. I met him at the office of Willard's Hotel. When I was leaving my key there in the morning, he was standing at the office on his arrival, and I took him up to my room and told him I had written a full statement, and showed it to him then, all written out, and not one word has been written since Mr. Smith arrived, unless he added a word or so after reading it over, of which I am not aware.

By Mr. WARNER:

Q. Did you read it over after Mr. Smith read it?—A. No; I asked him to read it while I was shaving, as I was going to take it down then, and I took it at once. That was Saturday morning.

By Mr. FERRY:

Q. Did the interlineations which Senator Howard pointed out to you amount to more than twenty or thirty words in all?—A. Not thirty words, I think, and those are in different places, so that they do not change the sense at all, I think.

Mr. HOWARD. I think it does in one or two places.

The WITNESS. If so, I should like to have my attention called to it.

By Mr. VICKERS:

Q. Do you now reaffirm, upon oath, the statements in that letter of the 7th of June?—A. I do, every word of it. There is another thing I should like to speak about. I represented that General Ingalls did have interests on the island. I was informed by General Canzaneu that both he and General Babcock had interests there, and that in taking these steps I was working against my friends. Mr. Edward Prime also told me that. On the receipt of General Ingalls's letter, I showed it to Mr. Prime, and he expressed surprise that Ingalls could write such a letter, and said: "Well, I can understand it; he is interested in the bank here," and that gentleman is resident manager of the bank in San Domingo.

By Mr. WILLIAMS:

Q. You and General Ingalls were on perfectly friendly terms, were you not?—A. Perfectly so, and I feel so to-day toward him.

Q. What kind of proceeding do you regard it for one gentleman to take a private letter of that kind, written in confidence, and go and exhibit it to other people? What object had you in that?—A. No other object than this: I came to Washington and related a few facts—

Q. You said that you took that letter of General Ingalls, and showed it to Mr. Prime. Why should you take a private letter from a friend, and go and exhibit it to another person?—A. Because Prime and myself were living in the same house, and we were like two brothers ever since I went there.

Q. Is that your usual practice, in reference to private, confidential letters that you receive from friends?—A. No; but I knew at the time that he did have interests in the bank.

By Mr. SCHURZ:

Q. Did you know it from Mr. Prime?—A. From Mr. Prime.

By Mr. VICKERS:

Q. There were but few Americans there, were there not?—A. But few. Mr. Prime was the only intimate friend I had there.

By Mr. WILLIAMS:

Q. What was there in that letter that was so remarkable that you should direct the attention of Mr. Prime to it?—A. Because both these letters came at once, one dated the 30th and the other the 31st of March, 1870; one from Babcock, and the other from Ingalls, and they were both in the same tone.

Q. What was there in General Ingalls's letter which was so remarkable that you considered it necessary to consult Mr. Prime?—A. I thought it was remarkable for any one to dictate what my correspondence with the State Department should be.

Q. Did you understand that it was dictation, or simply a matter of friendly advice to you?—A. Where a man is interested I do not consider it friendly advice.

By the CHAIRMAN:

Q. In the correspondence which we have here, you go on to state that you had lost confidence in Fabens and in Cazneau. Did you think then, or do you think now, their advice amounted to anything more than that your official correspondence should not contain your private suggestions about individuals?—A. But where such men were in direct correspondence with the Executive Mansion at Washington, I thought it my duty to speak of such things, because they were making capital out of them, and Baez and those men hold claims to-day, so that in case of annexation they and their friends in New York will have over half the island.

By Mr. SCHURZ:

Q. How did you know they were in correspondence with the Executive Mansion?—A. Because I saw letters of Cazneau directed to President Grant himself, not to Babcock; and so has Mr. Smith seen them.

By Mr. HOWARD:

Q. Where did you see them?—A. In San Domingo.

Q. How did you see them?—A. I saw them in his house.

Q. Cazneau's house?—A. Cazneau's house; and Mr. Smith also saw a letter brought there.

Q. Who showed them to you?—A. I was at Cazneau's office quite often when I first went there. He was writing on the table every evening, and the letters were lying right on his table marked "Executive Mansion," and he used to read pieces from them when I first went there.

By the CHAIRMAN:

Q. Did you ever read them?—A. He never let me read them. He used to take them up and read pieces from them himself.

Q. Did you read the letters?—A. No, sir.

Q. Then you do not know what was in them?—A. No.

Q. Or what they pertained to?—A. Only what I heard.

By Mr. SCHURZ:

Q. Did he read any parts of those letters?—A. Yes, sir.

Q. From President Grant?—A. From General Babcock. I do not mean to say they were from the President.

Q. You have just said that you had seen letters from General Grant personally. Did you mean to say so?—A. I have seen envelopes addressed to him personally. I did not see the letters.

By Mr. HOWARD:

Q. Do you say that you saw envelopes addressed to President Grant at Cazneau's house?—A. Yes, sir; and others besides myself saw them.

Q. But you did not read the letters?—A. No, sir.

By Mr. FERRY:

Q. Did you receive, on leaving San Domingo, any communication from the Americans

there?—A. Yes, sir; I received on the day I left the following testimonial, signed by all the American citizens in business at San Domingo, except Schumaker and Casneau:

“SAN DOMINGO, May 16, 1870.

“SIR: We, the undersigned, citizens of the United States, temporarily residing in San Domingo, have heard with feelings of deep regret that you contemplate leaving your present field of duty. This news has cast a gloom of sadness over us, who have known you both in your official and social capacity. We now desire to express our heartfelt thanks for the efficient manner in which you have protected here the interests of our country and of her citizens. We know, in a slight degree, the difficulties with which you have been surrounded, and the obstacles placed in your path by the double-dealings and trickery of certain parties here. The open-handed and straightforward manner in which you have met and surmounted these obstacles has ever been the theme of our favorable comment. Should you ever need our assistance in defense of the course pursued by you, rest assured that we each and every one will only be too glad to render you any service in our power.

“R. A. FRIEND, of Baltimore, Maryland.

“SAMUEL C. PIERCE, of Rochester, New York.

“A. E. KIBBEY, of Albany, New York.

“JOHN SCOTT, of Rochester, New York.

“W. FOLAND, of Albany, New York.

“O. J. PARKER, of Texas.

“JOSEPH WILSON, of New York City.

“W. P. GOLDIE, of New York City.

“A. B. BASHFORD, of Newport, Rhode Island.

“EDWARD PRIME, of New York City, Manager
“of National Bank, San Domingo.

“Major RAYMOND H. PERRY,

“United States Commercial Agent, San Domingo City.”

By the CHAIRMAN:

Q. When you entered upon the duties of your office as commercial agent, did you take any oath?—A. Yes, sir.

Q. What was the form of it?—A. To fulfill my duties in relation to the commercial agency.

Q. Faithfully to perform all the duties that pertained to your office, and to support the Constitution of the United States?—A. Yes, sir.

Q. Did you regard it as your duty to state the whole truth to the government from which you were accredited, in your communications, under that oath, or by your official position?—A. I did not consider it so, under the circumstances under which I went down there.

Q. Your answer is, that under the circumstances under which you went down there, you did not consider it your duty to tell the truth?—A. The whole truth in relation to things there. I have told the truth in everything, but what I understood was that I was not expected to tell everything that went on there in San Domingo. That is my answer to the question.

By Mr. HOWARD:

Q. Did you suppose it to be your duty to suppress and withhold from the government any material facts necessary for your government to know in regard to the negotiation for the annexation of the island? Did you regard it as your duty to keep back and suppress any material facts?—A. I did not regard it as my duty as such; but such was my advice from parties in connection with this matter, and parties who had sent me there.

Q. Then you followed the advice of other parties in that respect?—A. I did not follow it, because my conduct and communications which have been disapproved by the State Department as unsatisfactory and at the Executive Mansion, prove that I did not follow their advice exactly.

Mr. HOWARD. I speak in reference to your communications from the island while you were there, when you suppressed the facts.

The CHAIRMAN. There is no evidence here that your communications have not been satisfactory.

The WITNESS. There is evidence in the State Department, because I have it direct from a man in the State Department—

The CHAIRMAN. That will not do, You cannot go into that.

By Mr. SCHURZ:

Q. Did you suppose the advice given you by the parties to whom you refer was approved by influential persons here in Washington?—A. I did, most certainly. As soon as I saw the relief of Mr. Smith in San Domingo, before I had been there forty-eight hours, I came to that conclusion; and I said to General Babcock, in my office, when he was leaving San Domingo, that I did not want to stay there; that I would rather have some position in the States, because I saw I could not carry out what was wanted.

J. W. FABENS recalled.

By the CHAIRMAN :

Question. Did you hear the statement of Mr. Perry in relation to your conversation on the steamer going down?—Answer. I did.

Q. What have you to say about it?—A. I repeat what I have already said, that it is a misstatement; that such conversations did not occur as he describes.

Q. Did you ever advise Mr. Perry to withhold anything from the government?—A. Never.

(R. H. PERRY. Mr. Fabens never has.)

Q. Did you ever hear General Babcock advise him to do it?—A. No, sir.

By Mr. HOWARD :

Q. Did you ever hear Mr. Cazneau advise him to withhold anything from the government?—A. Never.

Q. Were you not familiar with Cazneau?—A. I was.

Q. In constant intercourse with him?—A. Daily intercourse.

Q. You had business interests with him?—A. Yes, sir.

By the CHAIRMAN :

Q. Did you notice what he said in relation to the sale of lumber?—A. I did.

Q. Is it true or untrue?—A. I will make the same explanation I have already made in regard to that.

Q. You stated the other day that there was some lumber conceded to a church or something of that kind?—A. Yes; and it may be that, as a favor, there may have been a few boards conceded to some other persons as a special favor from the island, of the lumber belonging to the steamship company.

Q. Did you ever have any lumber there?—A. Not a foot.

By Mr. SCHURZ :

Q. You are the agent of the steamship company?—A. I was acting as the friends of Spofford & Tileston, but receiving no pay.

Q. Are you interested with them?—A. I am not in that steamship line.

By the CHAIRMAN :

Q. Did you make it a business to sell lumber?—A. I did not.

Q. Or anything else?—A. Nothing else. I had no commercial business at all.

Q. Do you know the Frenchman who wrote that letter which was read this morning?—A. Yes, sir.

Q. Who is he?—A. He is a Haytien refugee who has been there but a short time.

By Mr. HOWARD :

Q. What is his name?—A. Marciac. He arrived there, with some other refugees, shortly after the downfall of Salnave, and opened a little rum-shop there, selling rum to sailors.

Q. Was he a merchant?—A. No, sir. He sold liquor; I do not think he sold anything else. His place was closed on Sundays, at my request to the authorities. I was asked to make this request by the captain of the monitor Decatur, Captain Calhoun. This interfered very materially with his business, Sunday being the day when the men-of-war sailors are allowed liberty on shore. That is the only connection I have ever had with Marciac.

Q. What is his character there?—A. I do not really know much about his character. I have a copy of that steamship convention, if you would like to see the article which specifies that everything belonging to the company shall come in free of port charges. This is the article:

"ARTICLE 6. The steamers of the company shall be free of all port charges, as also free of duties on provisions, live-stock, coal, and whatever other material specially destined for the use of the lines."

This steamship convention contemplates not only a line from New York and New Orleans, but also in the interior navigation of the river Yuna.

"The vessels which come laden particularly with coal, provisions, and live-stock, destined for the consumption of the said steamers of the company, shall also be exempt from all port charges."

By the CHAIRMAN :

Q. When was that concession made?—A. This contract was made the 8th of October, 1868.

Q. Is a copy of it on file in the State Department?—A. Yes, sir. It goes on to describe what other privileges they are to have, such as land for wharves, coal depots, &c. It is a mistake to speak of consignments. There was but one vessel belonging to the steamship company that came over during the time I was there, a brig belonging to the same house that owns the steamers, which brought some lumber and some other things for the use of the steamship company, and brought a manifest, certified to by the Dominican consul general,

in New York, to that effect. The captain entered the vessel with his manifest, and while the captain was there he did what business there was to do.

Q. It was not consigned to you?—A. Only consigned to me so far as I happened to be there and was a friend of the parties, and I looked after their interests.

Q. Since the treaty of annexation was signed have you applied for or obtained any concessions from the Dominican government?—A. No, sir; nothing of the kind.

Q. For yourself or anybody else?—A. No, sir; for nobody.

By Mr. WILLIAMS:

Q. Have any been made to your knowledge?—A. I do not think any have been made or applied for. I am very certain none have. I am fully satisfied that President Baez has been very rigid in adhering strictly to the letter of the treaty.

By the CHAIRMAN:

Q. How old is the immigration grant or concession?—A. I think that dates back to 1866.

By Mr. SCHURZ:

Q. That is General Casneau's scheme, is it not?—A. Yes, that is General Casneau's scheme. The history of that is briefly this: The great drain upon the resources of the Dominican Republic has been the expense incurred in the protection of the frontier line of Hayti. There have been from time to time, ever since, in fact, the establishment of the republic in 1844, frequent attempts at invasions and frequent incursions from the Haytian side; small raids which have kept the border in a constant state of excitement and alarm. The several governments—Cabral's government as well as Baez's government; indeed, it was a favorite scheme of Cabral; and I think the first convention was made by Cabral during the absence of Baez, the several governments have conceived that if they could place upon this frontier a class of actual settlers, who would go there and occupy the land, and bring with them their own weapons of offense, as men did go to Texas in earlier days, they would operate as a barrier against the Haytian incursions, and would save the republic a large amount of money.

Q. Was the idea that it should be a sort of military frontier?—A. A kind of a military frontier. So much land was to be given to each emigrant, and Casneau having been familiar with that sort of thing in Texas, was always very favorable to that view, and was disposed to aid the government in any way he could. His object, I think, was not pecuniary profit, but was strictly patriotic. He was never able to do anything, because he could not get the parties to co-operate with him to send out the emigrants as he desired, and the matter lay along.

By Mr. FERRY:

Q. Did you not try it once under the name of the American West India Company?—A. No, sir.

Q. There was such a company, was there not?—A. Yes, sir.

Q. Were you in it?—A. Yes, sir. That was under Spain, when Spain was in possession of the island.

Q. Were you there then?—A. I went down there for a short time.

Q. Was General Baez an officer of the Spanish army?—A. No, sir; I do not think he was. He was not in San Domingo at that time.

Q. During the Spanish occupation?—A. No; he was not there then.

By Mr. SCHURZ:

Q. Did he not hold a rank in the Spanish army?—A. They made him a marshal; but he was then in Europe.

Q. Give the history of that colonization or emigration scheme.—A. That was under Spain. It was by an arrangement with Mr. De Alva, the Queen's commissioner, to settle some of the lands of the country, offering very liberal inducements to settlers. It progressed very well until the revolution broke out against Spain. That was solely a company organized under Spanish auspices; it had nothing to do with Baez.

Q. What was the result of the revolution that commenced against Spain?—A. A revolution commenced against Spain by the Dominicans, and the Spanish authority was driven out.

Q. How did it affect that scheme?—A. It broke it up. They were cut off from communication with the coast, and the colonists retired. We had contemplated at that time introducing a large number of blacks from here. Mr. Lincoln was very favorable to that, and Mr. Smith, the Secretary of the Interior at that time, favored it very much.

Q. Now come back to Casneau's enterprise. Was not the enterprise you have just been speaking of Casneau's?—A. No; he was interested in it, but that was not the enterprise. This enterprise is of a later date. This is since the last restoration of the republic, in 1866. The first concession was made in 1866. The republic was actually restored in 1865. The Spanish authority retired in 1865.

Q. Did a great many of those immigrants and colonists die?—A. I think some died; a few, not a great many. There were not a great many who went out altogether; perhaps thirty or forty.

By Mr. HOWARD:

Q. Not more?—A. I think not more than that.

Q. How many of them died?—A. I cannot say; some ten or a dozen, possibly. I do not know.

Q. What did they die of?—A. Fever. The Spaniards seemed to have a sort of camp fever which went through their army.

Q. What description of immigrants were they; where did they come from?—A. They were mostly, I think, New England and New York men. They went out from the city of New York.

Q. Did you ever hear any complaint made against Cazneau for the deaths of those immigrants?—A. No, sir.

Q. Did you ever hear it made a subject of conversation on the island particularly?—A. Never in the world.

By Mr. SCHURZ:

Q. Is Mr. Cazneau a citizen of high standing there?—A. Very high.

Q. Good reputation?—A. Yes, sir; the best.

By Mr. WARNER:

Q. Have you a copy of the constitution of Dominica?—A. It is here.

By Mr. HOWARD:

Q. Is Mr. Cazneau an educated man?—A. Yes, sir.

Q. Has he a family there?—A. A wife.

Q. Children?—A. No children.

Q. Has he a home there?—A. He has a home there—a house.

Q. Is his wife an American woman?—A. Yes; from Troy, New York. Her father was in the State senate of New York.

By Mr. SCHURZ:

Q. Are you entirely familiar with the constitution of San Domingo?—A. I have read it.

Q. Is there not a provision in that constitution which prohibits the cession of territory to a foreign power?—A. I believe there is.

Mr. HOWARD. The constitution is before us.

Mr. FERRY. But it is in the original Spanish; it is not translated. (To the witness:) Will you please translate the third article?—A. It is as follows:

"ARTICLE III. The territory of the republic is, and shall be, inalienable. No power or authority can transfer the whole, or any part of it, in favor of any other power."

By Mr. HOWARD:

Q. Is there any commentary on that?—A. No; the article proceeds: "For its administration, it is divided into provinces," &c. If the gentlemen of the committee will allow me, I should like to say just one word in connection with the paper that Senator Ferry introduced this morning as to the private character of Mr. Hatch. The introduction of that paper might seem to imply that some charge has been made against Mr. Hatch's private character, and as I am the only party present who knows Mr. Hatch personally, or who has known him intimately personally, I can fully indorse all the statements of that paper so far as the private character and relations of Mr. Hatch are concerned. I believe him to be a very moral and virtuous man, and I have no doubt a very worthy and consistent member of the church those gentlemen speak of. It is his political error that we have been discussing; and in my judgment it is a great political crime to excite revolution in a country like that, where the people are so easily excited, and particularly among a people who are really wearied of revolution, and ask only peace. But so far as the private character of Mr. Hatch goes, I have never heard anything against it, and in a small place like San Domingo, if there was any allegation or charge against his private character as a father or a husband, or in any way, it would be known.

By Mr. HOWARD:

Q. Have you been intimately acquainted with him?—A. I was; quite so.

Q. Do you consider him a man of careful, accurate observation, and scrupulous in his facts?—A. I consider him a very obstinate man.

Q. Is he not a somewhat prejudiced man?—A. That is the impression he produced on me.

Q. An obstinate, prejudiced man?—A. Decidedly; a very prejudiced man, but so far as his private relations go, so far as his private conduct is concerned, it was very exemplary in San Domingo.

By Mr. SCHURZ:

Q. You said you considered it a great crime to excite revolution?—A. Yes, sir.

Q. Did you mean to indicate that Mr. Hatch had attempted to excite, or was in the habit of exciting, revolution?—A. I meant that there was that allegation against him there, which appears to have been proved by the finding of a court. I knew nothing about the facts except what I learned at San Domingo.

O. E. BABCOCK recalled.

By Mr. WILLIAMS:

Question. Did you, anywhere, or at any time, or in any way, advise Mr. Perry to misrepresent or conceal any facts in his communications to the State Department, while he was in San Domingo?—Answer. No, sir; I never did and never intended to.

Q. Do you know of any advice of that nature given to him by anybody?—A. No, sir; I do not. The only letter I wrote that could be construed in the form of advice was one that has been read here, and the explanation that I have to make of it is what I gave when it was read. The letter received from General Cazneau, which has been read, and the letter I had received from Mr. Perry, told me that these things were going on.

By Mr. SCHURZ:

Q. What was going on?—A. The quarrel between the Americans there; that is what I referred to.

By Mr. FERRY:

Q. Have you not complained of Mr. Perry's communications to the State Department which he sent from San Domingo, and stated that a senator had said that his communications would ruin annexation?—A. No; I do not think that way. I told Mr. Perry that his first communication had been misconstrued, and that I had been told it was the worst argument which was used in the discussion with reference to annexation.

By Mr. SCHURZ:

Q. What communication was that?—A. The communication in which he stated to the department that he had arrived at San Domingo, and had carried out the instructions, &c., that General Babcock had given him to sign the treaty, and that he was ready to execute any orders that might be sent to him, and that he would do so free from any personal interest, or something like that, as he feared that other people had. The ground I took was that inferentially it alluded to me as having those interests, and I think I said to him that if I had known that dispatch was here I would have had it referred back to him to know who was meant, and I told him that I did not believe he thought it was I, and he said no, he did not.

By Mr. FERRY:

Q. Did you not, at the same time, complain of Captain Bunce's communications to the Navy Department?—A. No, sir; I was not aware then that Captain Bunce had ever communicated.

Q. Have you at any time ever made that complaint?—A. I am not aware that I have. I never knew that Captain Bunce had made a communication until the day his dispatches were brought up here.

Q. Did you know that there was in the State Department a communication from Mr. Perry that Baez was not going to have an election until after our Senate had acted?—A. I did not know of it until it was read here—a dispatch which indicated that he had ignored the forty days, or something of that kind. I did not know such a fact.

Q. Did you know that Captain Bunce had reported anything on the subject?—A. I did not. I do not know that I ever saw a word in the dispatches sent to the State Department, except that I had a general information of them.

Mr. HOWARD presented the reply of the Secretary of State to Mr. Perry's letter of June 7:

Mr. Fish to Mr. Perry.

“DEPARTMENT OF STATE,
“Washington, June 16, 1870.

“SIR: I acknowledge the receipt of your communication of the 7th instant. Your position as plenipotentiary terminated with the signing of the treaty. Thenceforth your functions were confined to those of a commercial agent, with such qualified diplomatic powers as properly belonged to the office.

“Your allegation that you have not received in return for your endeavors to act honorably and justly in your intercourse with your government and that of San Domingo the same spirit of frankness and honesty of purpose is, so far as this department is concerned, an uncalled-for and unwarranted charge, totally without foundation, and improper to be introduced in an official dispatch.

“In many respects, your communication of the 7th instant contains statements and information which appear to have been withheld from the department in your dispatches written from San Domingo at the time the events are said to have taken place. In regard to the manner in which the voting was conducted, the facts which you now communicate appear to be at variance with the facts as stated in your telegraphic and written dispatches at the time it occurred.

“It is a subject of regret and cause for censure that you failed to comply with the instruc-

tions to which you refer, 'to write everything to the department;' and still more so that you allowed yourself to be seduced into communicating incorrect information.

"The efforts which you made to prevent the grant for two hundred thousand acres of land were well intended, and would have been approved by the department, but that you mistook the channel through which proper diplomatic representations should have been made to the authorities in San Domingo.

"I am, sir, your obedient servant,

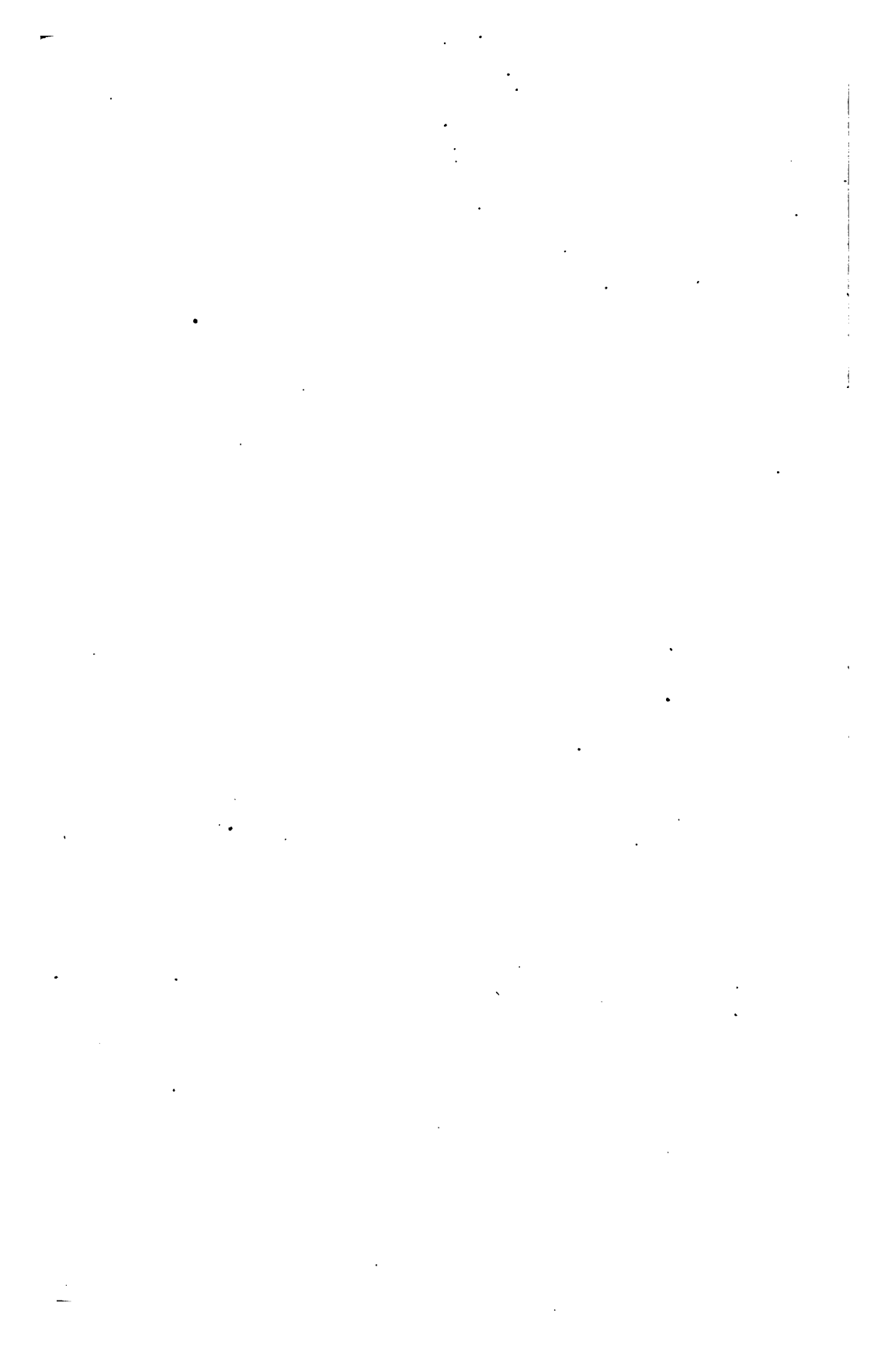
"HAMILTON FISH.

"RAYMOND H. PERRY, Esq.,

"*United States Commercial Agent, San Domingo, now in Washington.*"

The testimony was here concluded.

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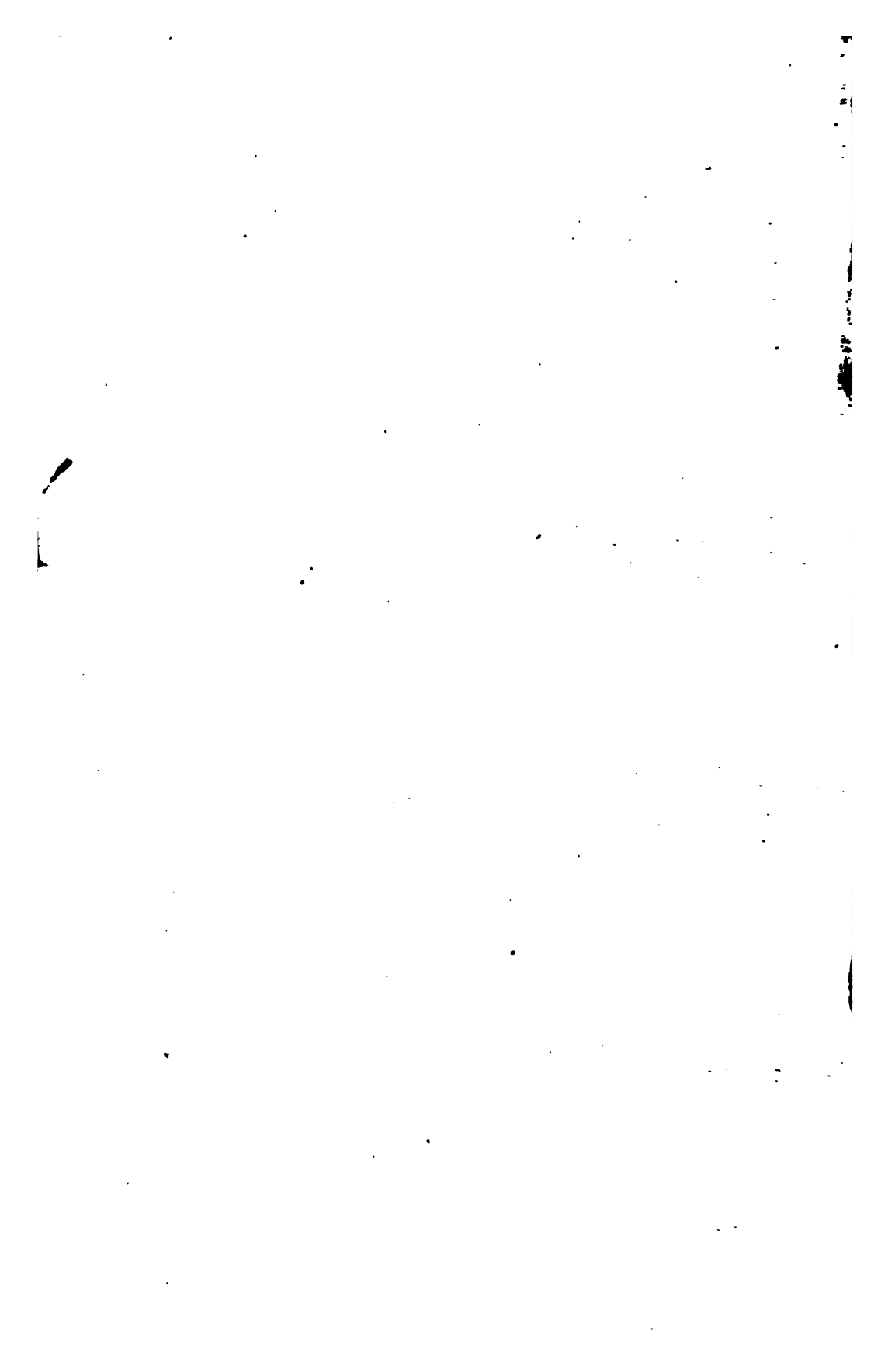
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